LEGISLATIVE ACTION

Senator Book moved the following:

**Senate Amendment (with title amendment)**

1. Delete lines 40 - 211
2. and insert:
3. Section 1. Paragraph (pp) is added to subsection (1) of section 456.072, Florida Statutes, to read:
4. 456.072 Grounds for discipline; penalties; enforcement.—
5. (1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:
6. (pp) Intentionally transferring into a recipient or
inseminating a recipient with, or causing a recipient to have transferred into her body or be inseminated with, the reproductive material, as defined in s. 784.086, of a donor without the recipient’s consent.

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

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

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

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

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

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

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

456.51 Health care practitioners; consent for pelvic examinations.—

(1) As used in this section, the term “pelvic examination” means the series of tasks that comprise an examination of the
vagina, cervix, uterus, fallopian tubes, ovaries, rectum, or external pelvic tissue or organs using any combination of modalities, which may include, but need not be limited to, the health care provider’s gloved hand or instrumentation, in accordance with the prevailing professional standard of care for the health care practitioner as specified in s. 766.102.

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

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

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

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

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

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

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

Section 5. Paragraph (yy) is added to subsection (1) of
section 459.015, Florida Statutes, to read:

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

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

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

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

784.086 Reproductive battery.—

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

(a) “Donor” means a person who donates reproductive material, regardless of whether for personal use or compensation.

(b) “Health care practitioner” has the same meaning as in s. 456.001.

(c) “Recipient” means a person who has a donor’s reproductive material transferred into her body.

(d) “Reproductive material” means any human “egg” or “sperm” as those terms are defined in s. 742.13, or a human zygote.

(e) “Zygote” means a fertilized ovum.

And the title is amended as follows:
Delete lines 2 - 25
and insert:

An act relating to reproductive health; amending s. 456.072, F.S.; providing grounds for disciplinary action; amending s. 456.074, F.S.; requiring the department to immediately suspend the license of certain health care practitioners under certain circumstances; creating s. 456.51, F.S.; defining the term “pelvic examination”; prohibiting health care practitioners and certain students from performing a pelvic examination on a