



LEGISLATIVE ACTION

Senate

.
.
.
.
.
.

House

Floor: 6/F/2R

04/03/2023 03:18 PM

Senator Davis moved the following:

Senate Amendment (with title amendment)

Delete lines 193 - 253

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



616390

12 the pharmaceutical product or perform the procedure has, at a
13 minimum, while physically present in the same room:

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 approved by the
18 department, to the patient; and

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

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

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

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

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

40 (5) (a) The department shall adopt emergency rules to



41 implement this section.

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

46 Section 6. Present paragraphs (c) through (gg) of
47 subsection (5) of section 456.074, Florida Statutes, are
48 redesignated as paragraphs (d) through (hh), respectively, and a
49 new paragraph (c) is added to that subsection, to read:

50 456.074 Certain health care practitioners; immediate
51 suspension of license.-

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

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

59
60 ===== T I T L E A M E N D M E N T =====

61 And the title is amended as follows:

62 Delete lines 32 - 34

63 and insert:

64 informed consent;