

By Representative Sindler

1                                   A bill to be entitled  
2           An act relating to sexually transmissible  
3           diseases; amending s. 384.24, F.S., relating to  
4           unlawful acts by a person infected with a  
5           sexually transmissible disease; revising  
6           provisions prohibiting such acts; amending s.  
7           384.34, F.S.; providing third degree felony  
8           penalties for a person who violates specified  
9           provisions prohibiting sexual intercourse by a  
10          person who has human immunodeficiency virus  
11          infection; amending s. 796.08, F.S.; revising  
12          the category of offenses constituting criminal  
13          transmission of human immunodeficiency virus  
14          infection to include the offer to commit  
15          prostitution under specified circumstances when  
16          the person offering to commit prostitution has  
17          tested positive for human immunodeficiency  
18          virus infection; providing penalties;  
19          reenacting s. 775.0877(1)(m) and (7), F.S., to  
20          incorporate said amendment to s. 796.08, F.S.,  
21          in a reference; providing an effective date.

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23 Be It Enacted by the Legislature of the State of Florida:

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25           Section 1. Section 384.24, Florida Statutes, is  
26 amended to read:

27           384.24 Unlawful acts.--

28           (1) It is unlawful for any person who has chancroid,  
29 gonorrhea, granuloma inguinale, lymphogranuloma venereum,  
30 genital herpes simplex, chlamydia, nongonococcal urethritis  
31 (NGU), pelvic inflammatory disease (PID)/acute salpingitis, or

1 ~~syphilis, or human immune deficiency virus infection~~, when  
2 such person knows he or she is infected with one or more of  
3 these diseases and when such person has been informed that he  
4 or she may communicate this disease to another person through  
5 sexual intercourse, to have sexual intercourse with any other  
6 person, unless such other person has been informed of the  
7 presence of the sexually transmissible disease and has  
8 consented to the sexual intercourse.

9 (2) It is unlawful for any person who has human  
10 immunodeficiency virus infection, when such person knows he or  
11 she is infected with this disease and when such person has  
12 been informed that he or she may communicate this disease to  
13 another person through sexual intercourse, to have sexual  
14 intercourse with any other person, unless such other person  
15 has been informed of the presence of the sexually  
16 transmissible disease and has consented to the sexual  
17 intercourse.

18 Section 2. Subsection (1) of section 384.34, Florida  
19 Statutes, 1996 Supplement, is amended, and subsection (5) is  
20 added to said section, to read:

21 384.34 Penalties.--

22 (1) Any person who violates the provisions of s.  
23 384.24(1) commits ~~384.24 is guilty of~~ a misdemeanor of the  
24 first degree, punishable as provided in s. 775.082 or s.  
25 775.083.

26 (5) Any person who violates the provisions of s.  
27 384.24(2) commits a felony of the third degree, punishable as  
28 provided in ss. 775.082, 775.083, 775.084, and 775.0877(7).

29 Section 3. Subsection (5) of section 796.08, Florida  
30 Statutes, 1996 Supplement, is amended to read:

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1           796.08 Screening for HIV and sexually transmissible  
2 diseases; providing penalties.--

3           (5) A person who:

4           (a) Commits or offers to commit prostitution; or

5           (b) Procures another for prostitution by engaging in  
6 sexual activity in a manner likely to transmit the human  
7 immunodeficiency virus,

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9 and who, prior to the commission of such crime, had tested  
10 positive for human immunodeficiency virus and knew or had been  
11 informed that he or she had tested positive for human  
12 immunodeficiency virus and could possibly communicate such  
13 disease to another person through sexual activity commits  
14 criminal transmission of HIV, a felony of the third degree,  
15 punishable as provided in s. 775.082, s. 775.083, s. 775.084,  
16 or s. 775.0877(7). A person may be convicted and sentenced  
17 separately for a violation of this subsection and for the  
18 underlying crime of prostitution or procurement of  
19 prostitution.

20           Section 4. For the purpose of incorporating the  
21 amendment to section 796.08, Florida Statutes, 1996  
22 Supplement, in a reference thereto, paragraph (m) of  
23 subsection (1) and subsection (7) of section 775.0877, Florida  
24 Statutes, 1996 Supplement, are reenacted to read:

25           775.0877 Criminal transmission of HIV; procedures;  
26 penalties.--

27           (1) In any case in which a person has been convicted  
28 of or has pled nolo contendere or guilty to, regardless of  
29 whether adjudication is withheld, any of the following  
30 offenses, or the attempt thereof, which offense or attempted  
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1 offense involves the transmission of body fluids from one  
2 person to another:

3 (m) Sections 796.03, 796.07, and 796.08, relating to  
4 prostitution, or

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6 the court shall order the offender to undergo HIV testing, to  
7 be performed under the direction of the Department of Health  
8 and Rehabilitative Services in accordance with s. 381.004,  
9 unless the offender has undergone HIV testing voluntarily or  
10 pursuant to procedures established in s. 381.004(3)(i)6. or s.  
11 951.27, or any other applicable law or rule providing for HIV  
12 testing of criminal offenders or inmates, subsequent to his  
13 arrest for an offense enumerated in paragraphs (a)-(n) for  
14 which he was convicted or to which he pled nolo contendere or  
15 guilty. The results of an HIV test performed on an offender  
16 pursuant to this subsection are not admissible in any criminal  
17 proceeding arising out of the alleged offense.

18 (7) In addition to any other penalty provided by law  
19 for an offense enumerated in paragraphs (1)(a)-(n), the court  
20 may require an offender convicted of criminal transmission of  
21 HIV to serve a term of criminal quarantine community control,  
22 as described in s. 948.001.

23 Section 5. This act shall take effect October 1, 1997,  
24 and shall apply to offenses committed on or after that date.  
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HOUSE SUMMARY

Revises provisions relating to unlawful acts by a person infected with a sexually transmissible disease. Provides third degree felony penalties for a person who violates specified provisions prohibiting sexual intercourse by a person who has human immunodeficiency virus infection. Revises the category of offenses constituting criminal transmission of human immunodeficiency virus infection to include the offer to commit prostitution under specified circumstances when the person offering to commit prostitution has tested positive for human immunodeficiency virus infection. Provides penalties for the offer to commit prostitution when such offense constitutes criminal transmission of human immunodeficiency virus infection.

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