

Amendment No.      (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Representative(s) Arnall offered the following:

**Amendment to Amendment (984281) (with title amendment)**

On page 21, between lines 3 and 4 of the amendment

insert:

Section 20. Subsection (6) of section 381.004, Florida Statutes, is amended to read:

381.004 Testing for human immunodeficiency virus.--

(6) PENALTIES.--

(a) Any violation of this section by a facility or licensed health care provider shall be a ground for disciplinary action contained in the facility's or professional's respective licensing chapter.

(b) Any person who violates the confidentiality provisions of this section and s. 951.27 commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(c) Any person who obtains information that identifies an individual who has a sexually transmissible disease including human immunodeficiency virus or acquired

1 immunodeficiency syndrome, who knew or should have known the  
2 nature of the information and maliciously, or for monetary  
3 gain, disseminates this information or otherwise makes this  
4 information known to any other person, except by providing it  
5 either to a physician or nurse employed by the department or  
6 to a law enforcement agency, commits a felony of the third  
7 degree, punishable as provided in ss. 775.082 or 775.083.

8 Section 21. Section 384.34, Florida Statutes, is  
9 amended to read:

10 384.34 Penalties.--

11 (1) Any person who violates the provisions of s.  
12 384.24(1) commits a misdemeanor of the first degree,  
13 punishable as provided in s. 775.082 or s. 775.083.

14 (2) Any person who violates the provisions of s.  
15 384.26 or s. 384.29 commits a misdemeanor of the first degree,  
16 punishable as provided in s. 775.082 or s. 775.083.

17 (3) Any person who maliciously disseminates any false  
18 information or report concerning the existence of any sexually  
19 transmissible disease commits a felony of the third ~~is guilty~~  
20 ~~of a misdemeanor of the second degree,~~ punishable as provided  
21 in ss. s.775.082, or s.775.083, and 775.084.

22 (4) Any person who violates the provisions of the  
23 department's rules pertaining to sexually transmissible  
24 diseases may be punished by a fine not to exceed \$500 for each  
25 violation. Any penalties enforced under this subsection shall  
26 be in addition to other penalties provided by this act.

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

1 punishable as provided in ss. 775.082, 775.083, 775.084, and  
2 775.0877(7).

3 (6) Any person who obtains information that identifies  
4 an individual who has a sexually transmissible disease, who  
5 knew or should have known the nature of the information and  
6 maliciously, or for monetary gain, disseminates this  
7 information or otherwise makes this information known to any  
8 other person, except by providing it either to a physician or  
9 nurse employed by the Department of Health or to a law  
10 enforcement agency, commits a felony of the third degree,  
11 punishable as provided in ss. 775.082, 775.083, or 775.084.

14 ===== T I T L E A M E N D M E N T =====

15 And the title is amended as follows:

16 On page 49, line 20, of the amendment

18 insert after the semicolon:

19 amending s. 381.004, F.S., relating to HIV  
20 testing; providing a penalty and increasing  
21 existing penalties; amending s. 384.34, F.S.,  
22 relating to sexually transmissible diseases;  
23 providing a penalty and increasing existing  
24 penalties;

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