

By Senator Dawson-White

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1 A bill to be entitled
2 An act relating to the testing of inmates for
3 HIV; creating s. 944.6025, F.S.; defining the
4 term "HIV test"; requiring the Department of
5 Corrections to perform an HIV test on inmates
6 following commitment to a correctional facility
7 and at the request of a physician; requiring
8 that such a test be performed before an inmate
9 is released; requiring that the department
10 provide additional services prior to an
11 inmate's release; requiring that the Department
12 of Corrections notify the county health
13 department where the inmate will reside when an
14 inmate who has received a positive HIV test
15 result is released unexpectedly; providing an
16 effective date.

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18 WHEREAS, HIV and AIDS infections are one of the state's
19 most critical challenges, with Florida having the third
20 highest number of AIDS cases in the nation and the second
21 highest number of pediatric AIDS cases, and

22 WHEREAS, the prevalence of HIV and AIDS cases in the
23 state's prisons exceed the prevalence of HIV and AIDS in the
24 general population, and

25 WHEREAS, between 1989 and 1997, death due to AIDS
26 accounted for over half of inmate deaths in the state's
27 prisons, and

28 WHEREAS, recent advances in treatment for HIV and AIDS
29 can potentially reduce the number of opportunistic infections
30 and associated medical costs and delay the onset of death due
31 to the disease, and

1 WHEREAS, referral to appropriate medical and social
2 services upon the release of an inmate can play a crucial role
3 in the treatment, care, and secondary prevention efforts, NOW
4 THEREFORE,

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

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8 Section 1. Section 944.6025, Florida Statutes, is
9 created to read:

10 944.6025 HIV testing of inmates.--

11 (1) As used in this section, the term "HIV test" means
12 a test ordered to determine the presence of the antibody or
13 antigen to human immunodeficiency virus or the presence of
14 human immunodeficiency virus infection.

15 (2)(a) Within 30 days following the commitment of an
16 inmate to a correctional facility, the Department of
17 Corrections shall perform an HIV test on the inmate and record
18 the result of the HIV test in the inmate's medical record.

19 (b) The department shall also perform an HIV test on
20 an inmate upon the request of a physician.

21 (3) The department shall perform an HIV test on an
22 inmate before the inmate is released by reason of parole,
23 accumulation of gain-time allowances, or expiration of
24 sentence, unless the inmate has undergone an HIV test within
25 the previous 60 days. The department shall record the results
26 of the HIV test in the inmate's medical record.

27 (4) Prior to the release of an inmate who has received
28 a positive HIV test result, the department shall provide
29 special transitional assistance to the inmate, which includes:
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1 (a) Education on preventing the transmission of HIV
2 and on the importance of receiving follow-up care and
3 treatment.

4 (b) A written, individualized discharge plan that
5 links the inmate to local HIV primary care services in the
6 area where the inmate will reside.

7 (c) If appropriate, a 30-day supply of all medicines
8 the inmate is taking at the time of release.

9 (5) If an inmate who has received a positive HIV test
10 result is released pursuant to an emergency court order or
11 other unexpected action, the department shall immediately
12 notify the county health department in the county where the
13 inmate will reside following release in order to ensure the
14 continuance of care and other services.

15 Section 2. This act shall take effect July 1, 1999.

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18 SENATE SUMMARY

19 Requires that the Department of Corrections perform an
20 HIV test within 30 days following an inmate's commitment
21 to a correctional facility. Requires that such a test be
22 performed within 60 days before an inmate is released.
23 Requires that an inmate who has received a positive HIV
24 test be provided with educational services, a discharge
25 plan, and medications prior to release. Requires the
26 Department of Corrections to notify the county health
27 department where the inmate will reside when an inmate
28 who has received a positive HIV test result is released
29 pursuant to an emergency order or other unexpected
30 action.
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