

By the Council for Healthy Communities and Representatives
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and Dockery

1 A bill to be entitled
2 An act relating to correctional facilities;
3 creating s. 784.074, F.S.; providing for
4 reclassification of offenses of assault or
5 battery on a staff member of a sexually violent
6 predators detention or commitment facility;
7 creating s. 784.078, F.S.; defining "facility"
8 and "employee"; defining the offense of battery
9 of facility employee by throwing, tossing, or
10 expelling certain fluids or materials on an
11 employee of a correctional facility of the
12 state or local government or a sexually violent
13 predators detention or commitment facility or a
14 secure facility operated and maintained by the
15 Department of Corrections or the Department of
16 Juvenile Justice or other facility employee, so
17 as to cause or attempt to cause such employee
18 to come into contact with the fluid or
19 material; providing penalties; amending s.
20 806.13, F.S.; providing a penalty for criminal
21 mischief upon a sexually violent predators
22 detention or commitment facility and reenacting
23 s. 901.15, F.S., relating to arrest without a
24 warrant, to incorporate said amendment in a
25 reference; amending s. 921.0022, F.S.;
26 providing for ranking the offense of battery of
27 a facility employee and assault or battery of a
28 staff member of a sexually violent predators
29 facility, for purposes of the Criminal
30 Punishment Code offense severity ranking chart;
31 amending s. 945.35, F.S.; providing an

1 educational requirement for correctional
2 facility inmates on communicable diseases;
3 providing, upon the request of a correctional
4 officer or other employee, for testing of such
5 person and any inmate who may have transmitted
6 a communicable disease to such person;
7 providing for results to be communicated to
8 affected parties; providing for access to
9 health care; providing that test results are
10 inadmissible in court cases; requiring the
11 department to promulgate rules; providing an
12 effective date.

13

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

15

16 Section 1. Section 784.074, Florida Statutes, is
17 created to read:

18

19 784.074 Assault or battery on sexually violent
20 predators detention or commitment facility staff;
21 reclassification of offenses.--

22

23 (1) Whenever a person is charged with committing an
24 assault or aggravated assault or a battery or aggravated
25 battery upon a staff member of a sexually violent predators
26 detention or commitment facility as defined in part V of
27 chapter 394 while the staff member is engaged in the lawful
28 performance of his or her duties and when the person
29 committing the offense knows or has reason to know the
30 identity or employment of the victim, the offense for which
31 the person is charged shall be reclassified as follows:

32

33 (a) In the case of aggravated battery, from a felony
34 of the second degree to a felony of the first degree.

1 (b) In the case of an aggravated assault, from a
2 felony of the third degree to a felony of the second degree.

3 (c) In the case of battery, from a misdemeanor of the
4 first degree to a felony of the first degree.

5 (d) In the case of assault, from a misdemeanor of the
6 second degree to a misdemeanor of the first degree.

7 (2) For purposes of this section, a staff member of
8 the facilities referred to includes persons employed by the
9 Department of Children and Family Services, persons employed
10 at facilities licensed by the Department of Children and
11 Family Services, and persons employed at facilities operated
12 under a contract with the Department of Children and Family
13 Services.

14 Section 2. Section 784.078, Florida Statutes, is
15 created to read:

16 784.078 Battery of facility employee by throwing,
17 tossing, or expelling certain fluids or materials.--

18 (1) As used in this section, the term "facility" means
19 a state correctional institution defined in s. 944.02(6); a
20 private correctional facility defined in s. 944.710 or under
21 chapter 957; a county, municipal, or regional jail or other
22 detention facility of local government under chapter 950 or
23 chapter 951; a sexually violent predators detention or
24 commitment facility operated pursuant to part V of chapter
25 394; or a secure facility operated and maintained by the
26 Department of Corrections or the Department of Juvenile
27 Justice.

28 (2)(a) As used in this section, the term "employee"
29 includes any person employed by or performing contractual
30 services for a public or private entity operating a facility
31 or any person employed by or performing contractual services

1 for the corporation operating the prison industry enhancement
2 programs or the correctional work programs, pursuant to part
3 II of chapter 946.

4 (b) "Employee" includes any person who is a parole
5 examiner with the Florida Parole Commission.

6 (3)(a) It is unlawful for any person, while being
7 detained in a facility and with intent to harass, annoy,
8 threaten, or alarm a person in a facility whom he or she knows
9 or reasonably should know to be an employee of such facility,
10 to cause or attempt to cause such employee to come into
11 contact with blood, masticated food, regurgitated food,
12 saliva, seminal fluid, or urine or feces, whether by throwing,
13 tossing, or expelling such fluid or material.

14 (b) Any person who violates paragraph (a) commits
15 battery of a facility employee, a felony of the third degree,
16 punishable as provided in s. 775.082, s. 775.083, or s.
17 775.084.

18 Section 3. Subsections (4) through (7) of section
19 806.13, Florida Statutes, are renumbered as subsections (5)
20 through (8), respectively, a new subsection (4) is added to
21 said section, and present subsection (6) is amended, to read:

22 806.13 Criminal mischief; penalties; penalty for
23 minor.--

24 (4) Any person who willfully and maliciously defaces,
25 injures, or damages by any means a sexually violent predators
26 detention or commitment facility, as defined in part V of
27 chapter 394, or any property contained therein, commits a
28 felony of the third degree, punishable as provided in s.
29 775.082, s. 775.083, or s. 775.084, if the damage to property
30 is greater than \$200.

31

1 (7)~~(6)~~ A minor whose driver's license or driving
2 privilege is revoked, suspended, or withheld under subsection
3 ~~(6)~~(5) may elect to reduce the period of revocation,
4 suspension, or withholding by performing community service at
5 the rate of 1 day for each hour of community service
6 performed. In addition, if the court determines that due to a
7 family hardship, the minor's driver's license or driving
8 privilege is necessary for employment or medical purposes of
9 the minor or a member of the minor's family, the court shall
10 order the minor to perform community service and reduce the
11 period of revocation, suspension, or withholding at the rate
12 of 1 day for each hour of community service performed. As
13 used in this subsection, the term "community service" means
14 cleaning graffiti from public property.

15 Section 4. For the purpose of incorporating the
16 amendment to section 806.13, Florida Statutes, in a reference
17 thereto, paragraph (b) of subsection (9) of section 901.15,
18 Florida Statutes, is reenacted to read:

19 901.15 When arrest by officer without warrant is
20 lawful.--A law enforcement officer may arrest a person without
21 a warrant when:

22 (9) There is probable cause to believe that the person
23 has committed:

24 (b) An act of criminal mischief or a graffiti-related
25 offense as described in s. 806.13.

26 Section 5. Paragraphs (d), (f), and (g) of subsection
27 (3) of section 921.0022, Florida Statutes, are amended to
28 read:

29 921.0022 Criminal Punishment Code; offense severity
30 ranking chart.--

31 (3) OFFENSE SEVERITY RANKING CHART

1	2	3	4	5	6
7	8	9	10	11	12
13	14	15	16	17	18
19	20	21	22	23	24
25	26	27	28	29	30
31					
	Florida	Felony			
	Statute	Degree		Description	
				(d) LEVEL 4	
	316.1935(3)	2nd		Driving at high speed or with	
				wanton disregard for safety while	
				fleeing or attempting to elude	
				law enforcement officer who is in	
				a marked patrol vehicle with	
				siren and lights activated.	
	784.07(2)(b)	3rd		Battery of law enforcement	
				officer, firefighter, intake	
				officer, etc.	
	<u>784.074(1)(c)</u>	<u>3rd</u>		<u>Battery of sexually violent</u>	
				<u>predators facility staff.</u>	
	784.075	3rd		Battery on detention or	
				commitment facility staff.	
	<u>784.078</u>	<u>3rd</u>		<u>Battery of facility employee by</u>	
				<u>throwing, tossing, or expelling</u>	
				<u>certain fluids or materials.</u>	
	784.08(2)(c)	3rd		Battery on a person 65 years of	
				age or older.	
	784.081(3)	3rd		Battery on specified official or	
				employee.	
	784.082(3)	3rd		Battery by detained person on	
				visitor or other detainee.	
	784.083(3)	3rd		Battery on code inspector.	

1	784.085	3rd	Battery of child by throwing,
2			tossing, projecting, or expelling
3			certain fluids or materials.
4	787.03(1)	3rd	Interference with custody;
5			wrongly takes child from
6			appointed guardian.
7	787.04(2)	3rd	Take, entice, or remove child
8			beyond state limits with criminal
9			intent pending custody
10			proceedings.
11	787.04(3)	3rd	Carrying child beyond state lines
12			with criminal intent to avoid
13			producing child at custody
14			hearing or delivering to
15			designated person.
16	790.115(1)	3rd	Exhibiting firearm or weapon
17			within 1,000 feet of a school.
18	790.115(2)(b)	3rd	Possessing electric weapon or
19			device, destructive device, or
20			other weapon on school property.
21	790.115(2)(c)	3rd	Possessing firearm on school
22			property.
23	800.04(7)(d)	3rd	Lewd or lascivious exhibition;
24			offender less than 18 years.
25	810.02(4)(a)	3rd	Burglary, or attempted burglary,
26			of an unoccupied structure;
27			unarmed; no assault or battery.
28	810.02(4)(b)	3rd	Burglary, or attempted burglary,
29			of an unoccupied conveyance;
30			unarmed; no assault or battery.
31	810.06	3rd	Burglary; possession of tools.

1	810.08(2)(c)	3rd	Trespass on property, armed with
2			firearm or dangerous weapon.
3	812.014(2)(c)3.	3rd	Grand theft, 3rd degree \$10,000
4			or more but less than \$20,000.
5	812.014		
6	(2)(c)4.-10.	3rd	Grand theft, 3rd degree, a will,
7			firearm, motor vehicle,
8			livestock, etc.
9	817.563(1)	3rd	Sell or deliver substance other
10			than controlled substance agreed
11			upon, excluding s. 893.03(5)
12			drugs.
13	828.125(1)	2nd	Kill, maim, or cause great bodily
14			harm or permanent breeding
15			disability to any registered
16			horse or cattle.
17	837.02(1)	3rd	Perjury in official proceedings.
18	837.021(1)	3rd	Make contradictory statements in
19			official proceedings.
20	843.021	3rd	Possession of a concealed
21			handcuff key by a person in
22			custody.
23	843.025	3rd	Deprive law enforcement,
24			correctional, or correctional
25			probation officer of means of
26			protection or communication.
27	843.15(1)(a)	3rd	Failure to appear while on bail
28			for felony (bond estreature or
29			bond jumping).
30	874.05(1)	3rd	Encouraging or recruiting another
31			to join a criminal street gang.

1	893.13(2)(a)1.	2nd	Purchase of cocaine (or other s.
2			893.03(1)(a), (b), or (d),
3			(2)(a), (2)(b), or (2)(c)4.
4			drugs).
5	914.14(2)	3rd	Witnesses accepting bribes.
6	914.22(1)	3rd	Force, threaten, etc., witness,
7			victim, or informant.
8	914.23(2)	3rd	Retaliation against a witness,
9			victim, or informant, no bodily
10			injury.
11	918.12	3rd	Tampering with jurors.
12			(f) LEVEL 6
13	316.027(1)(b)	2nd	Accident involving death, failure
14			to stop; leaving scene.
15	316.193(2)(b)	3rd	Felony DUI, 4th or subsequent
16			conviction.
17	775.0875(1)	3rd	Taking firearm from law
18			enforcement officer.
19	775.21(10)	3rd	Sexual predators; failure to
20			register; failure to renew
21			driver's license or
22			identification card.
23	784.021(1)(a)	3rd	Aggravated assault; deadly weapon
24			without intent to kill.
25	784.021(1)(b)	3rd	Aggravated assault; intent to
26			commit felony.
27	784.041	3rd	Felony battery.
28	784.048(3)	3rd	Aggravated stalking; credible
29			threat.
30	784.048(5)	3rd	Aggravated stalking of person
31			under 16.

1	784.07(2)(c)	2nd	Aggravated assault on law
2			enforcement officer.
3	<u>784.074(1)(b)</u>	<u>2nd</u>	<u>Aggravated assault on sexually</u>
4			<u>violent predators facility staff.</u>
5	784.08(2)(b)	2nd	Aggravated assault on a person 65
6			years of age or older.
7	784.081(2)	2nd	Aggravated assault on specified
8			official or employee.
9	784.082(2)	2nd	Aggravated assault by detained
10			person on visitor or other
11			detainee.
12	784.083(2)	2nd	Aggravated assault on code
13			inspector.
14	787.02(2)	3rd	False imprisonment; restraining
15			with purpose other than those in
16			s. 787.01.
17	790.115(2)(d)	2nd	Discharging firearm or weapon on
18			school property.
19	790.161(2)	2nd	Make, possess, or throw
20			destructive device with intent to
21			do bodily harm or damage
22			property.
23	790.164(1)	2nd	False report of deadly explosive
24			or act of arson or violence to
25			state property.
26	790.19	2nd	Shooting or throwing deadly
27			missiles into dwellings, vessels,
28			or vehicles.
29	794.011(8)(a)	3rd	Solicitation of minor to
30			participate in sexual activity by
31			custodial adult.

1	794.05(1)	2nd	Unlawful sexual activity with
2			specified minor.
3	800.04(5)(d)	3rd	Lewd or lascivious molestation;
4			victim 12 years of age or older
5			but less than 16 years; offender
6			less than 18 years.
7	800.04(6)(b)	2nd	Lewd or lascivious conduct;
8			offender 18 years of age or
9			older.
10	806.031(2)	2nd	Arson resulting in great bodily
11			harm to firefighter or any other
12			person.
13	810.02(3)(c)	2nd	Burglary of occupied structure;
14			unarmed; no assault or battery.
15	812.014(2)(b)	2nd	Property stolen \$20,000 or more,
16			but less than \$100,000, grand
17			theft in 2nd degree.
18	812.13(2)(c)	2nd	Robbery, no firearm or other
19			weapon (strong-arm robbery).
20	817.034(4)(a)1.	1st	Communications fraud, value
21			greater than \$50,000.
22	817.4821(5)	2nd	Possess cloning paraphernalia
23			with intent to create cloned
24			cellular telephones.
25	825.102(1)	3rd	Abuse of an elderly person or
26			disabled adult.
27	825.102(3)(c)	3rd	Neglect of an elderly person or
28			disabled adult.
29	825.1025(3)	3rd	Lewd or lascivious molestation of
30			an elderly person or disabled
31			adult.

1	825.103(2)(c)	3rd	Exploiting an elderly person or
2			disabled adult and property is
3			valued at less than \$20,000.
4	827.03(1)	3rd	Abuse of a child.
5	827.03(3)(c)	3rd	Neglect of a child.
6	827.071(2)&(3)	2nd	Use or induce a child in a sexual
7			performance, or promote or direct
8			such performance.
9	836.05	2nd	Threats; extortion.
10	836.10	2nd	Written threats to kill or do
11			bodily injury.
12	843.12	3rd	Aids or assists person to escape.
13	847.0135(3)	3rd	Solicitation of a child, via a
14			computer service, to commit an
15			unlawful sex act.
16	914.23	2nd	Retaliation against a witness,
17			victim, or informant, with bodily
18			injury.
19	943.0435(9)	3rd	Sex offenders; failure to comply
20			with reporting requirements.
21	944.35(3)(a)2.	3rd	Committing malicious battery upon
22			or inflicting cruel or inhuman
23			treatment on an inmate or
24			offender on community
25			supervision, resulting in great
26			bodily harm.
27	944.40	2nd	Escapes.
28	944.46	3rd	Harboring, concealing, aiding
29			escaped prisoners.
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1	944.47(1)(a)5.	2nd	Introduction of contraband
2			(firearm, weapon, or explosive)
3			into correctional facility.
4	951.22(1)	3rd	Intoxicating drug, firearm, or
5			weapon introduced into county
6			facility.
7			(g) LEVEL 7
8	316.193(3)(c)2.	3rd	DUI resulting in serious bodily
9			injury.
10	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious
11			bodily injury.
12	402.319(2)	2nd	Misrepresentation and negligence
13			or intentional act resulting in
14			great bodily harm, permanent
15			disfiguration, permanent
16			disability, or death.
17	409.920(2)	3rd	Medicaid provider fraud.
18	456.065(2)	3rd	Practicing a health care
19			profession without a license.
20	456.065(2)	2nd	Practicing a health care
21			profession without a license
22			which results in serious bodily
23			injury.
24	458.327(1)	3rd	Practicing medicine without a
25			license.
26	459.013(1)	3rd	Practicing osteopathic medicine
27			without a license.
28	460.411(1)	3rd	Practicing chiropractic medicine
29			without a license.
30	461.012(1)	3rd	Practicing podiatric medicine
31			without a license.

1	462.17	3rd	Practicing naturopathy without a
2			license.
3	463.015(1)	3rd	Practicing optometry without a
4			license.
5	464.016(1)	3rd	Practicing nursing without a
6			license.
7	465.015(2)	3rd	Practicing pharmacy without a
8			license.
9	466.026(1)	3rd	Practicing dentistry or dental
10			hygiene without a license.
11	467.201	3rd	Practicing midwifery without a
12			license.
13	468.366	3rd	Delivering respiratory care
14			services without a license.
15	483.828(1)	3rd	Practicing as clinical laboratory
16			personnel without a license.
17	483.901(9)	3rd	Practicing medical physics
18			without a license.
19	484.053	3rd	Dispensing hearing aids without a
20			license.
21	494.0018(2)	1st	Conviction of any violation of
22			ss. 494.001-494.0077 in which the
23			total money and property
24			unlawfully obtained exceeded
25			\$50,000 and there were five or
26			more victims.
27	560.123(8)(b)1.	3rd	Failure to report currency or
28			payment instruments exceeding
29			\$300 but less than \$20,000 by
30			money transmitter.
31			

1	560.125(5)(a)	3rd	Money transmitter business by
2			unauthorized person, currency or
3			payment instruments exceeding
4			\$300 but less than \$20,000.
5	655.50(10)(b)1.	3rd	Failure to report financial
6			transactions exceeding \$300 but
7			less than \$20,000 by financial
8			institution.
9	782.051(3)	2nd	Attempted felony murder of a
10			person by a person other than the
11			perpetrator or the perpetrator of
12			an attempted felony.
13	782.07(1)	2nd	Killing of a human being by the
14			act, procurement, or culpable
15			negligence of another
16			(manslaughter).
17	782.071	2nd	Killing of human being or viable
18			fetus by the operation of a motor
19			vehicle in a reckless manner
20			(vehicular homicide).
21	782.072	2nd	Killing of a human being by the
22			operation of a vessel in a
23			reckless manner (vessel
24			homicide).
25	784.045(1)(a)1.	2nd	Aggravated battery; intentionally
26			causing great bodily harm or
27			disfigurement.
28	784.045(1)(a)2.	2nd	Aggravated battery; using deadly
29			weapon.
30	784.045(1)(b)	2nd	Aggravated battery; perpetrator
31			aware victim pregnant.

1	784.048(4)	3rd	Aggravated stalking; violation of
2			injunction or court order.
3	784.07(2)(d)	1st	Aggravated battery on law
4			enforcement officer.
5	<u>784.074(1)(a)</u>	<u>1st</u>	<u>Aggravated battery on sexually</u>
6			<u>violent predators facility staff.</u>
7	784.08(2)(a)	1st	Aggravated battery on a person 65
8			years of age or older.
9	784.081(1)	1st	Aggravated battery on specified
10			official or employee.
11	784.082(1)	1st	Aggravated battery by detained
12			person on visitor or other
13			detainee.
14	784.083(1)	1st	Aggravated battery on code
15			inspector.
16	790.07(4)	1st	Specified weapons violation
17			subsequent to previous conviction
18			of s. 790.07(1) or (2).
19	790.16(1)	1st	Discharge of a machine gun under
20			specified circumstances.
21	790.166(3)	2nd	Possessing, selling, using, or
22			attempting to use a hoax weapon
23			of mass destruction.
24	796.03	2nd	Procuring any person under 16
25			years for prostitution.
26	800.04(5)(c)1.	2nd	Lewd or lascivious molestation;
27			victim less than 12 years of age;
28			offender less than 18 years.
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1	800.04(5)(c)2.	2nd	Lewd or lascivious molestation;
2			victim 12 years of age or older
3			but less than 16 years; offender
4			18 years or older.
5	806.01(2)	2nd	Maliciously damage structure by
6			fire or explosive.
7	810.02(3)(a)	2nd	Burglary of occupied dwelling;
8			unarmed; no assault or battery.
9	810.02(3)(b)	2nd	Burglary of unoccupied dwelling;
10			unarmed; no assault or battery.
11	810.02(3)(d)	2nd	Burglary of occupied conveyance;
12			unarmed; no assault or battery.
13	812.014(2)(a)	1st	Property stolen, valued at
14			\$100,000 or more; property stolen
15			while causing other property
16			damage; 1st degree grand theft.
17	812.019(2)	1st	Stolen property; initiates,
18			organizes, plans, etc., the theft
19			of property and traffics in
20			stolen property.
21	812.131(2)(a)	2nd	Robbery by sudden snatching.
22	812.133(2)(b)	1st	Carjacking; no firearm, deadly
23			weapon, or other weapon.
24	825.102(3)(b)	2nd	Neglecting an elderly person or
25			disabled adult causing great
26			bodily harm, disability, or
27			disfigurement.
28	825.1025(2)	2nd	Lewd or lascivious battery upon
29			an elderly person or disabled
30			adult.
31			

1	825.103(2)(b)	2nd	Exploiting an elderly person or
2			disabled adult and property is
3			valued at \$20,000 or more, but
4			less than \$100,000.
5	827.03(3)(b)	2nd	Neglect of a child causing great
6			bodily harm, disability, or
7			disfigurement.
8	827.04(3)	3rd	Impregnation of a child under 16
9			years of age by person 21 years
10			of age or older.
11	837.05(2)	3rd	Giving false information about
12			alleged capital felony to a law
13			enforcement officer.
14	872.06	2nd	Abuse of a dead human body.
15	893.13(1)(c)1.	1st	Sell, manufacture, or deliver
16			cocaine (or other drug prohibited
17			under s. 893.03(1)(a), (1)(b),
18			(1)(d), (2)(a), (2)(b), or
19			(2)(c)4.) within 1,000 feet of a
20			child care facility or school.
21	893.13(1)(e)1.	1st	Sell, manufacture, or deliver
22			cocaine or other drug prohibited
23			under s. 893.03(1)(a), (1)(b),
24			(1)(d), (2)(a), (2)(b), or
25			(2)(c)4., within 1,000 feet of
26			property used for religious
27			services or a specified business
28			site.
29			
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1	893.13(4)(a)	1st	Deliver to minor cocaine (or
2			other s. 893.03(1)(a), (1)(b),
3			(1)(d), (2)(a), (2)(b), or
4			(2)(c)4. drugs).
5	893.135(1)(a)1.	1st	Trafficking in cannabis, more
6			than 50 lbs., less than 2,000
7			lbs.
8	893.135 (1)(b)1.a.	1st	Trafficking in cocaine, more than
9			28 grams, less than 200 grams.
10	893.135 (1)(c)1.a.	1st	Trafficking in illegal drugs,
11			more than 4 grams, less than 14
12			grams.
13	893.135 (1)(d)1.	1st	Trafficking in phencyclidine,
14			more than 28 grams, less than 200
15			grams.
16	893.135(1)(e)1.	1st	Trafficking in methaqualone, more
17			than 200 grams, less than 5
18			kilograms.
19	893.135(1)(f)1.	1st	Trafficking in amphetamine, more
20			than 14 grams, less than 28
21			grams.
22	893.135 (1)(g)1.a.	1st	Trafficking in flunitrazepam, 4
23			grams or more, less than 14
24			grams.
25	893.135 (1)(h)1.a.	1st	Trafficking in
26			gamma-hydroxybutyric acid (GHB),
27			1 kilogram or more, less than 5
28			kilograms.
29	893.135 (1)(i)1.a.	1st	Trafficking in 1,4-Butanediol, 1
30			kilogram or more, less then 5
31			kilograms.

1 893.135 (1)(j)2.a. 1st Trafficking in Phenethylamines,
2 10 grams or more, less than 200
3 grams.
4 896.101(5)(a) 3rd Money laundering, financial
5 transactions exceeding \$300 but
6 less than \$20,000.
7 896.104(4)(a)1. 3rd Structuring transactions to evade
8 reporting or registration
9 requirements, financial
10 transactions exceeding \$300 but
11 less than \$20,000.

12 Section 6. Section 945.35, Florida Statutes, is
13 amended to read:

14 945.35 Requirement for education on human
15 immunodeficiency virus,~~and~~ acquired immune deficiency
16 syndrome, and other communicable diseases.--

17 (1) The Department of Corrections, in conjunction with
18 the Department of Health, shall establish a mandatory
19 introductory and continuing education program on human
20 immunodeficiency virus,~~and~~ acquired immune deficiency
21 syndrome, and other communicable diseases for all inmates.
22 Programs shall be specifically designed for inmates while
23 incarcerated and in preparation for release into the
24 community. Consideration shall be given to cultural and other
25 relevant differences among inmates in the development of
26 educational materials and shall include emphasis on behavior
27 and attitude change. The education program shall be
28 continuously updated to reflect the latest medical information
29 available.

30 (2) The Department of Corrections, in conjunction with
31 the Department of Health, shall establish a mandatory

1 education program on human immunodeficiency virus, ~~and~~
2 acquired immune deficiency syndrome, and other communicable
3 diseases with an emphasis on appropriate behavior and attitude
4 change to be offered on an annual basis to all staff in
5 correctional facilities, including new staff.

6 (3) When there is evidence that an inmate, while in
7 the custody of the department, has engaged in behavior which
8 places the inmate at a high risk of transmitting or
9 contracting a human immunodeficiency disorder or other
10 communicable disease, the department may begin a testing
11 program which is consistent with guidelines of the Centers for
12 Disease Control and Prevention and recommendations of the
13 Correctional Medical Authority. For purposes of this
14 subsection, "high-risk behavior" includes:

- 15 (a) Sexual contact with any person.
- 16 (b) An altercation involving exposure to body fluids.
- 17 (c) The use of intravenous drugs.
- 18 (d) Tattooing.
- 19 (e) Any other activity medically known to transmit the
20 virus.

21 (4) The results of such tests shall become a part of
22 that inmate's medical file, accessible only to persons
23 designated by agency rule.

24 (5) If the department has reason to believe that an
25 inmate may have intentionally or unintentionally transmitted a
26 communicable disease to any correctional officer or any
27 employee of the department as defined in s. 784.078(2)(a), the
28 department shall, upon request of the affected correctional
29 officer or employee, cause the inmate who may have transmitted
30 the communicable disease to be promptly tested for its
31 presence and communicate the results as soon as practicable to

1 the person requesting the test be performed, and to the inmate
2 tested if the inmate so requests.

3 (6) If the results of the test pursuant to subsection
4 (5) indicate the presence of a communicable disease, the
5 department shall provide appropriate access for counseling,
6 health care, and support services to the affected correctional
7 officer or employee, and to the inmate tested.

8 (7) The results of a test under subsections (5) and
9 (6) are inadmissible against the person tested in any federal
10 or state civil or criminal case or proceeding.

11 (8) The department shall promulgate rules to implement
12 subsections (5), (6), and (7). Such rules shall require that
13 the results of any tests are communicated only to a person
14 requesting the test, the inmate tested, and the Department of
15 Corrections Reception Center. Such rules shall also provide
16 for procedures designed to protect the privacy of a person
17 requesting that the test be performed and the privacy of the
18 inmate tested.

19 ~~(9)~~⁽⁵⁾ The department shall establish policies
20 consistent with guidelines of the Centers for Disease Control
21 and Prevention and recommendations of the Correctional Medical
22 Authority on the housing, physical contact, dining,
23 recreation, and exercise hours or locations for inmates with
24 immunodeficiency disorders as are medically indicated and
25 consistent with the proper operation of its facilities.

26 ~~(10)~~⁽⁶⁾ The department shall report to the Legislature
27 by March 1 each year as to the implementation of this program
28 and the participation by inmates and staff.

29 Section 7. This act shall take effect October 1, 2001.
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