

By Representative Joyner

1 A bill to be entitled
2 An act relating to state inmates; amending s.
3 944.024, F.S.; requiring human immunodeficiency
4 virus testing as part of the process of intake
5 to the state corrections system; requiring the
6 Department of Corrections to provide treatment
7 to persons testing positive for HIV; limiting
8 placement of such persons; requiring HIV
9 testing of inmates before their release from
10 incarceration; requiring treatment of HIV
11 infection to be included among conditions of
12 parole, conditional release, or control release
13 under ch. 947, F.S.; amending s. 947.175, F.S.;
14 requiring notification to the county health
15 department before the release of an inmate with
16 HIV; providing an effective date.

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

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20 Section 1. Subsection (5) of section 944.024, Florida
21 Statutes, is amended to read:

22 944.024 Adult intake and evaluation.--The state system
23 of adult intake and evaluation shall include:

24 (5) The performance of postsentence intake by the
25 department. Any physical facility established by the
26 department for the intake and evaluation process prior to the
27 offender's entry into the correctional system shall provide
28 for specific office and work areas for the staff of the
29 commission. The purpose of such a physical center shall be to
30 combine in one place as many of the rehabilitation-related
31 functions as possible, including pretrial and posttrial

1 evaluation, parole and probation services, vocational
2 rehabilitation services, family assistance services of the
3 Department of Children and Family Services, and all other
4 rehabilitative and correctional services dealing with the
5 offender. Upon commitment of the offender to the department,
6 the department must test the offender for the human
7 immunodeficiency virus. An offender may not be transferred to
8 another institution in the correctional system from the
9 facility at which intake is conducted before the department
10 knows the test results.

11 Section 2. When a person committed to the Department
12 of Corrections has tested positive for the human
13 immunodeficiency virus, the department must provide treatment
14 for that inmate and must place the inmate so that he or she
15 does not come into direct contact with inmates who are not
16 infected with the human immunodeficiency virus.

17 Section 3. Before an inmate who has not previously
18 been identified as infected with the human immunodeficiency
19 virus is released from incarceration by the Department of
20 Corrections, the department must test that person for the
21 virus.

22 Section 4. When an inmate who is infected with the
23 human immunodeficiency virus is released from incarceration
24 due to parole, conditional release, or control release under
25 chapter 947, Florida Statutes, it shall be a condition of
26 release that the inmate seek and receive treatment for the
27 virus.

28 Section 5. Section 947.175, Florida Statutes, is
29 amended to read:

30 947.175 Notice to local agencies.--
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1 (1) The Parole Commission shall, upon establishing the
2 effective parole release date of an inmate, notify the county
3 law enforcement agency in the county in this state in which
4 the inmate is scheduled to be released and any other criminal
5 justice agency which, in writing, requests the commission to
6 provide such notice. If the inmate has tested positive for the
7 human immunodeficiency virus, the commission shall also notify
8 the county health department for the county in which the
9 inmate is scheduled to be released.

10 (2) The department shall, at least 10 days before the
11 anticipated date of release on work release of an inmate,
12 notify the county law enforcement agency in the county in this
13 state in which the inmate is scheduled to be released. If the
14 inmate has tested positive for the human immunodeficiency
15 virus, the department shall also notify the county health
16 department for the county in which the inmate is scheduled to
17 be released.

18 (3) Upon request, the department shall within 30 days
19 notify the state attorney, the victim, or the personal
20 representative of the victim when an inmate is approved for
21 community work release.

22 Section 6. This act shall take effect October 1, 2001.

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25 SENATE SUMMARY

26 Requires persons entering the state correctional system
27 to be tested for the human immunodeficiency virus, with
28 those testing positive receiving treatment and being
29 placed so that they will not come into contact with
30 inmates not having the virus. Requires testing of inmates
upon release. When an inmate who tests positive is
released, treatment is a condition of his or her parole,
and the county health department of the county into which
he or she is to be released must be notified.