

By Senators Dawson and Miller

30-608-01

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 before an
6 inmate is released; requiring that the
7 department provide additional services prior to
8 an inmate's release; requiring that the
9 Department of Corrections notify the county
10 health department where the inmate will reside
11 when an inmate who has received a positive HIV
12 test result is released unexpectedly; providing
13 an effective date.
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15 WHEREAS, HIV and AIDS infections are one of the state's
16 most critical challenges, with Florida having the third
17 highest number of AIDS cases in the nation and the second
18 highest number of pediatric AIDS cases, and
19 WHEREAS, the prevalence of HIV and AIDS cases in the
20 state's prisons exceed the prevalence of HIV and AIDS in the
21 general population, and
22 WHEREAS, between 1989 and 1997, death due to AIDS
23 accounted for over half of inmate deaths in the state's
24 prisons, and
25 WHEREAS, recent advances in treatment for HIV and AIDS
26 can potentially reduce the number of opportunistic infections
27 and associated medical costs and delay the onset of death due
28 to the disease, and
29 WHEREAS, referral to appropriate medical and social
30 services upon the release of an inmate can play a crucial role
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1 in the treatment, care, and secondary prevention efforts, NOW
2 THEREFORE,

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

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6 Section 1. Section 944.6025, Florida Statutes, is
7 created to read:

8 944.6025 HIV testing of inmates.--

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

13 (2) The department shall perform an HIV test on an
14 inmate before the inmate is released by reason of parole,
15 accumulation of gain-time allowances, or expiration of
16 sentence, unless the inmate has undergone an HIV test within
17 the previous 60 days. The department shall record the results
18 of the HIV test in the inmate's medical record.

19 (3) Prior to the release of an inmate who has received
20 a positive HIV test result, the department shall provide
21 special transitional assistance to the inmate, which includes:

22 (a) Education on preventing the transmission of HIV
23 and on the importance of receiving follow-up care and
24 treatment.

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

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

30 (4) If an inmate who has received a positive HIV test
31 result is released pursuant to an emergency court order or

1 other unexpected action, the department shall immediately
2 notify the county health department in the county where the
3 inmate will reside following release in order to ensure the
4 continuance of care and other services.

5 Section 2. This act shall take effect July 1, 2001.

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SENATE SUMMARY

9 Requires that the Department of Corrections test an
10 inmate for HIV within 60 days before an inmate is
11 released. Requires that an inmate who has received a
12 positive HIV test be provided with educational services,
13 a discharge plan, and medications prior to release.
14 Requires the Department of Corrections to notify the
15 county health department where the inmate will reside
16 when an inmate who has received a positive HIV test
17 result is released pursuant to an emergency order or
18 other unexpected action.

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