

By Senator Geller

31-1322A-06

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

A bill to be entitled

An act relating to screening for communicable diseases; providing legislative intent; amending s. 384.287, F.S.; providing that certain specified officers who have been significantly exposed to a person in the line of duty may demand that the person, without need for a court order, be screened for HIV, AIDS, hepatitis B, or hepatitis C; detailing the criteria that are the precondition for the screening to take place; providing that if the officer elects to demand that the person be screened, the officer must agree to be screened for the same communicable diseases for which the person is being screened; providing an effective date.

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

Section 1. The Legislature finds that communicable diseases pose a major threat to the health and safety of the public and particularly to the health and safety of law enforcement officers, firefighters, paramedics, and others who may come into contact with infected persons during the normal course of their assigned responsibilities and duties. The Legislature finds that, to date, these public servants have not been adequately protected by law. The purpose of this act is to require the testing of certain persons for communicable diseases to ensure that law enforcement officers, firefighters, paramedics, and others are not placed at risk in the performance of their official duties.

1 Section 2. Subsection (7) is added to section 384.287,
2 Florida Statutes, to read:

3 384.287 Screening for sexually transmissible
4 disease.--

5 (7)(a) Notwithstanding the procedures set forth in
6 subsection (1), an officer described in subsection (1) who
7 comes into contact with a person in such a way that
8 significant exposure, as defined in s. 381.004, has occurred
9 may demand that the person, without need for a court order, be
10 screened for HIV, AIDS, hepatitis B, or hepatitis C.

11 (b)1. In order for the officer to make a demand for
12 screening under this subsection the person to be screened must
13 have used physical force to resist arrest, have interfered
14 when the officer was arresting another person, or be charged
15 with battery on a law enforcement officer under s. 784.07; and

16 2. The officer must make a demand for the screening
17 within 72 hours after the significant exposure.

18 (c) If the officer elects to demand that the person be
19 screened, the officer subjected to the significant exposure
20 must agree to be screened for the same communicable diseases
21 for which the person is being screened.

22 (d) All blood screenings conducted under this
23 subsection must be conducted by the department or the
24 department's authorized representative or by medical personnel
25 at a facility designated by the department. All other
26 provisions of this section apply to a screening conducted
27 under this subsection.

28 Section 3. This act shall take effect July 1, 2006.
29
30
31

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

SENATE SUMMARY

Provides that certain specified officers who have been significantly exposed to a person in the line of duty may demand that the person, without need for a court order, be screened for HIV, AIDS, hepatitis B, or hepatitis C. Details the criteria that are the precondition for the screening to take place. Provides that if the officer elects to demand that the person be screened, the officer must agree to be screened for the same communicable diseases for which the person is being screened.