

By Senator Geller

31-218-07

1                                   A bill to be entitled  
2           An act relating to screening for communicable  
3           diseases; providing legislative findings;  
4           amending s. 384.287, F.S.; providing that  
5           certain specified officers who have been  
6           significantly exposed to a person in the line  
7           of duty may demand that the person, without  
8           need for a court order, be screened for HIV,  
9           AIDS, hepatitis B, or hepatitis C; detailing  
10          the criteria for screening to take place;  
11          providing that if the officer elects to demand  
12          that a person be screened, the officer must  
13          agree to be screened for the same communicable  
14          diseases for which that person is being  
15          screened; providing an effective date.

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

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19           Section 1. The Legislature finds that communicable  
20 diseases pose a major threat to the health and safety of the  
21 public and particularly to the health and safety of law  
22 enforcement officers, firefighters, paramedics, and others who  
23 come into contact with infected persons during the normal  
24 course of their assigned responsibilities and duties. The  
25 Legislature finds that, to date, these public servants have  
26 not been adequately protected by law. The purpose of this act  
27 is to require the testing of certain persons for communicable  
28 diseases in order to ensure that law enforcement officers,  
29 firefighters, paramedics, and others are not placed at risk  
30 when performing 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 of 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 a 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 that person is being screened under paragraph (a).

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, 2007.  
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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 criteria for the screening to take place. Provides that if the officer elects to demand that a person be screened, the officer must agree to be screened for the same communicable diseases for which that person is being screened.