

By Senator Wilson

33-197-07

1 A bill to be entitled
2 An act relating to HIV testing in prisons;
3 creating s. 945.351, F.S.; defining the term
4 "HIV test"; requiring the Department of
5 Corrections to perform an HIV test upon inmates
6 upon entry into prison; requiring the
7 department to record the results of an inmate's
8 HIV test in his or her medical record;
9 requiring an HIV-positive inmate to participate
10 in an education program regarding HIV;
11 providing sovereign immunity to the state and
12 its agencies, subdivisions, and employees
13 regarding the death or personal injury of an
14 inmate arising from compliance with the act;
15 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. Section 945.351, Florida Statutes, is
20 created to read:
21 945.351 HIV testing of inmates upon entry into
22 prison.--
23 (1) As used in this section, the term "HIV test" means
24 a test ordered to determine the presence of the antibody or
25 antigen to human immunodeficiency virus or the presence of
26 human immunodeficiency virus infection.
27 (2) If an inmate's HIV status is unknown to the
28 department, the department shall, pursuant to s. 381.004(3),
29 perform an HIV test on the inmate within 14 days after entry
30 into prison. An inmate who is known to the department to be
31 HIV positive or who has been tested within the previous year

1 and does not request retesting need not be tested under this
2 section but is subject to s. 945.35(1).

3 (3) The department shall record the results of the HIV
4 test in the inmate's medical record.

5 (4) Each inmate who is known to be HIV positive or who
6 has received a positive HIV test result under this section
7 shall participate in the department's education program under
8 s. 945.35(1). This program shall include, but need not be
9 limited to, education concerning preventing the transmission
10 of HIV to others and the importance of receiving followup care
11 and treatment.

12 (5) Notwithstanding any provision of law providing for
13 a waiver of sovereign immunity, the state, its agencies, or
14 subdivisions, or any employees of the state, its agencies, or
15 subdivisions, are not liable to any person for negligently
16 causing death or personal injury arising out of compliance
17 with this section.

18 Section 2. This act shall take effect upon becoming a
19 law.

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22 SENATE SUMMARY

23 Requires the Department of Corrections to test inmates
24 for HIV upon entry into prison. Requires the department
25 to record the results of an inmate's HIV test in his or
26 her medical record. Requires an HIV-positive inmate to
27 participate in an education program regarding HIV.
28 Provides sovereign immunity to the state and its
29 employees regarding the death or personal injury of an
30 inmate arising from compliance with the act.
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