

By Senator Wilson

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1 A bill to be entitled

2 An act relating to HIV testing in prisons; creating s.
3 945.351, F.S.; defining the term "HIV test"; requiring the
4 Department of Corrections to perform an HIV test upon
5 inmates upon entry into prison; requiring the department
6 to record the results of an inmate's HIV test in his or
7 her medical record; requiring an HIV-positive inmate to
8 participate in an education program regarding HIV;
9 providing sovereign immunity to the state and its
10 agencies, subdivisions, and employees regarding the death
11 or personal injury of an inmate arising from compliance
12 with the act; providing an effective date.

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

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16 Section 1. Section 945.351, Florida Statutes, is created to
17 read:

18 945.351 HIV testing of inmates upon entry into prison.--

19 (1) As used in this section, the term "HIV test" means a
20 test ordered to determine the presence of the antibody or antigen
21 to human immunodeficiency virus or the presence of human
22 immunodeficiency virus infection.

23 (2) If an inmate's HIV status is unknown to the department,
24 the department shall, pursuant to s. 381.004(3), perform an HIV
25 test on the inmate within 14 days after the inmate enters prison.
26 An inmate who is known to the department to be HIV positive or
27 who has been tested within the previous year and does not request
28 retesting need not be tested under this section but is subject to
29 s. 945.35(1).

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

32 (4) Each inmate who is known to be HIV positive or who has
33 received a positive HIV test result under this section shall
34 participate in the department's education program under s.
35 945.35(1). This program shall include, but need not be limited
36 to, education concerning preventing the transmission of HIV to
37 others and the importance of receiving followup care and
38 treatment.

39 (5) Notwithstanding any provision of law providing for a
40 waiver of sovereign immunity, the state, its agencies, or
41 subdivisions, or any employees of the state, its agencies, or
42 subdivisions, are not liable to any person for negligently
43 causing death or personal injury arising out of compliance with
44 this section.

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