

By Senator Wilson

33-01406-10

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1                   A bill to be entitled  
2           An act relating to HIV testing in the state  
3           correctional system; creating s. 945.351, F.S.;  
4           defining the term "HIV test"; requiring the Department  
5           of Corrections to perform an HIV test upon inmates  
6           upon entry into prison; requiring the department to  
7           record the results of an inmate's HIV test in his or  
8           her medical record; requiring an HIV-positive inmate  
9           to participate in an education program regarding HIV;  
10          providing that the state and its agencies,  
11          subdivisions, and employees are not liable for the  
12          death or personal injury of an inmate arising from  
13          compliance with the act; providing an effective date.

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

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

19           945.351 HIV testing of inmates upon entry into prison.-

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

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

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30 but is subject to s. 945.35(1).

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

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

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

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