



580414

LEGISLATIVE ACTION

Senate

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House

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Floor: WD/2R

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03/10/2016 11:15 AM

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Senator Garcia moved the following:

1 **Senate Amendment to Amendment (865416) (with title**
2 **amendment)**

3
4 Before line 5

5 insert:

6 Section 1. Section 384.24, Florida Statutes, is amended to
7 read:

8 384.24 Unlawful acts.—

9 ~~(1)~~ It is unlawful for any person who has chancroid,
10 gonorrhea, granuloma inguinale, lymphogranuloma venereum,
11 genital herpes simplex, chlamydia, nongonococcal urethritis



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12 (NGU), pelvic inflammatory disease (PID)/acute salpingitis, ~~or~~
13 syphilis, or human immunodeficiency virus when such person knows
14 he or she is infected with one or more of these diseases and
15 ~~when such person~~ has been informed that he or she may
16 communicate this disease to another person through sexual
17 intercourse, to act with the intent to transmit that disease, to
18 engage in conduct that poses a substantial risk of transmission
19 to another person while the other person is unaware that the
20 person is a carrier of the disease, and to transmit the disease
21 to the other person. A person does not act with the required
22 intent if the person takes practical means to prevent
23 transmission or if the person informs the uninfected person that
24 he or she has a sexually transmittable disease and offers to
25 take practical means to prevent transmission but that offer is
26 rejected by the uninfected person who subsequently contracts the
27 disease. As used in this section, the term "practical means to
28 prevent transmission" means good faith compliance with a
29 treatment regimen prescribed by the person's health care
30 provider or with behavioral recommendation of the person's
31 health care provider or public health officials, which may
32 include, but need not be limited to, the use of a prophylactic
33 device to measurably limit the risk of transmission of the
34 disease. However, evidence that a person did not take practical
35 means to prevent transmission is not sufficient to establish
36 that a person acted with the required intent ~~have sexual~~
37 ~~intercourse with any other person, unless such other person has~~
38 ~~been informed of the presence of the sexually transmissible~~
39 ~~disease and has consented to the sexual intercourse.~~

40 ~~(2) It is unlawful for any person who has human~~



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41 ~~immunodeficiency virus infection, when such person knows he or~~
42 ~~she is infected with this disease and when such person has been~~
43 ~~informed that he or she may communicate this disease to another~~
44 ~~person through sexual intercourse, to have sexual intercourse~~
45 ~~with any other person, unless such other person has been~~
46 ~~informed of the presence of the sexually transmissible disease~~
47 ~~and has consented to the sexual intercourse.~~

48 Section 2. Subsections (1), (4), (5), and (6) of section
49 384.34, Florida Statutes, are amended to read:

50 384.34 Penalties.—

51 (1) Any person who violates the provisions of s. 384.24 ~~s.~~
52 ~~384.24(1)~~ commits a misdemeanor of the first degree, punishable
53 as provided in s. 775.082 or s. 775.083.

54 ~~(4) Any person who violates the provisions of the~~
55 ~~department's rules pertaining to sexually transmissible diseases~~
56 ~~may be punished by a fine not to exceed \$500 for each violation.~~
57 ~~Any penalties enforced under this subsection shall be in~~
58 ~~addition to other penalties provided by this chapter. The~~
59 ~~department may enforce this section and adopt rules necessary to~~
60 ~~administer this section.~~

61 ~~(5) Any person who violates s. 384.24(2) commits a felony~~
62 ~~of the third degree, punishable as provided in s. 775.082, s.~~
63 ~~775.083, or s. 775.084. Any person who commits multiple~~
64 ~~violations of s. 384.24(2) commits a felony of the first degree,~~
65 ~~punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

66 ~~(4)(6)~~ Any person who obtains information that identifies
67 an individual who has a sexually transmissible disease, who knew
68 or should have known the nature of the information and
69 maliciously, or for monetary gain, disseminates this information



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70 or otherwise makes this information known to any other person,
71 except by providing it either to a physician or nurse employed
72 by the Department of Health or to a law enforcement agency,
73 commits a felony of the third degree, punishable as provided in
74 s. 775.082, s. 775.083, or s. 775.084.

75

76 ===== T I T L E A M E N D M E N T =====

77 And the title is amended as follows:

78 Delete line 403

79 and insert:

80 An act relating to criminal justice; amending s.
81 384.24, F.S.; revising the list of sexually
82 transmitted diseases and unlawful acts with specified
83 intent; defining the term "practical means to prevent
84 transmission"; amending s. 384.34, F.S.; revising the
85 penalties relating to rules and penalties pertaining
86 to sexually transmissible diseases; conforming a
87 cross-reference;