

By Senator Campbell

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1                   A bill to be entitled  
2           An act relating to sexually transmissible diseases;  
3           amending s. 384.23, F.S.; defining the term "sexual  
4           conduct"; amending s. 384.24, F.S.; expanding the  
5           scope of unlawful acts by a person infected with a  
6           sexually transmissible disease; expanding the list of  
7           sexually transmissible diseases; reenacting s.  
8           384.34(1) and (5), F.S., relating to penalties  
9           pertaining to transmission of sexually transmissible  
10          diseases; providing an effective date.

11  
12 Be It Enacted by the Legislature of the State of Florida:

13  
14           Section 1. Section 384.23, Florida Statutes, is amended to  
15 read:

16           384.23 Definitions.—As used in this chapter, the term:

17           (1) "Department" means the Department of Health.

18           (2) "County health department" means agencies and entities  
19 as designated in chapter 154.

20           (3) "Sexual conduct" means conduct between persons,  
21 regardless of gender, which is capable of transmitting a  
22 sexually transmissible disease, including but not limited to  
23 contact between a:

24           (a) Penis and a vulva or an anus; or

25           (b) Mouth and a penis, a vulva, or an anus.

26           ~~(4)~~ (3) "Sexually transmissible disease" means a bacterial,  
27 viral, fungal, or parasitic disease determined by rule of the  
28 department to be sexually transmissible, to be a threat to the  
29 public health and welfare, and to be a disease for which a

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30 legitimate public interest will be served by providing for  
31 prevention, elimination, control, and treatment. The department  
32 must, by rule, determine which diseases are to be designated as  
33 sexually transmissible diseases and shall consider the  
34 recommendations and classifications of the Centers for Disease  
35 Control and Prevention and other nationally recognized medical  
36 authorities in that determination. Not all diseases that are  
37 sexually transmissible need be designated for the purposes of  
38 this act.

39 Section 2. Section 384.24, Florida Statutes, is amended to  
40 read:

41 384.24 Unlawful acts.—

42 (1) It is unlawful for a ~~any~~ person who has chancroid,  
43 gonorrhoea, granuloma inguinale, lymphogranuloma venereum,  
44 genital herpes simplex, chlamydia, nongonococcal urethritis  
45 (NGU), pelvic inflammatory disease (PID)/acute salpingitis,  
46 human papillomavirus, hepatitis, or syphilis, when the ~~such~~  
47 person knows he or she is infected with one or more of these  
48 diseases and when the ~~such~~ person has been informed that he or  
49 she may communicate this disease to another person through  
50 sexual conduct ~~intercourse~~, to engage in ~~have~~ sexual conduct  
51 ~~intercourse~~ with another ~~any other~~ person, unless the ~~such~~ other  
52 person has been informed of the presence of the sexually  
53 transmissible disease and has consented to the sexual conduct  
54 ~~intercourse~~.

55 (2) It is unlawful for a ~~any~~ person who has human  
56 immunodeficiency virus infection, when the ~~such~~ person knows he  
57 or she is infected with this disease and when the ~~such~~ person  
58 has been informed that he or she may communicate this disease to

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59 another person through sexual conduct ~~intercourse~~, to engage in  
60 ~~have~~ sexual conduct ~~intercourse~~ with another ~~any other~~ person,  
61 unless the ~~such~~ other person has been informed of the presence  
62 of the sexually transmissible disease and has consented to the  
63 sexual conduct ~~intercourse~~.

64 Section 3. For the purpose of incorporating the amendment  
65 made by this act to section 384.24, Florida Statutes, in a  
66 reference thereto, subsections (1) and (5) of section 384.34,  
67 Florida Statutes, are reenacted to read:

68 384.34 Penalties.—

69 (1) Any person who violates the provisions of s. 384.24(1)  
70 commits a misdemeanor of the first degree, punishable as  
71 provided in s. 775.082 or s. 775.083.

72 (5) Any person who violates s. 384.24(2) commits a felony  
73 of the third degree, punishable as provided in s. 775.082, s.  
74 775.083, or s. 775.084. Any person who commits multiple  
75 violations of s. 384.24(2) commits a felony of the first degree,  
76 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

77 Section 4. This act shall take effect October 1, 2017.