

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>    </u>	(Y/N)
ADOPTED AS AMENDED	<u>    </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>    </u>	(Y/N)
FAILED TO ADOPT	<u>    </u>	(Y/N)
WITHDRAWN	<u>    </u>	(Y/N)
OTHER	<u>    </u>	

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1 Committee/Subcommittee hearing bill: Criminal Justice  
 2 Subcommittee

3 Representative Robinson, F. offered the following:

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5 **Amendment (with title amendment)**

6 Remove lines 85-145 and insert:

7 conduct intercourse, to engage in ~~have~~ sexual conduct  
 8 ~~intercourse~~ with any other person that poses a substantial risk  
 9 of transmission to another person, unless such other person has  
 10 been informed of the presence of the sexually transmissible  
 11 disease and has consented to the sexual conduct ~~intercourse~~.

12 ~~(2) It is unlawful for any person who has human~~  
 13 ~~immunodeficiency virus infection, when such person knows he or~~  
 14 ~~she is infected with this disease and when such person has been~~  
 15 ~~informed that he or she may communicate this disease to another~~  
 16 ~~person through sexual intercourse, to have sexual intercourse~~

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17 ~~with any other person, unless such other person has been~~  
18 ~~informed of the presence of the sexually transmissible disease~~  
19 ~~and has consented to the sexual intercourse.~~

20 Section 5. Subsections (1), (2), and (4) of section  
21 384.34, Florida Statutes, are amended and present subsections  
22 (5) and (6) are renumbered as subsections (4) and (5),  
23 respectively, to read:

24 384.34 Penalties.—

25 (1) Except as provided in subsection (4), any person who  
26 violates s. 384.24 ~~the provisions of s. 384.24(1)~~ commits a  
27 misdemeanor of the first degree, punishable as provided in s.  
28 775.082 or s. 775.083.

29 (2) Any person who violates ~~the provisions of~~ s. 384.26 or  
30 s. 384.29 commits a misdemeanor of the first degree, punishable  
31 as provided in s. 775.082 or s. 775.083.

32 (4) ~~Any person who violates the provisions of the~~  
33 ~~department's rules pertaining to sexually transmissible diseases~~  
34 ~~may be punished by a fine not to exceed \$500 for each violation.~~  
35 ~~Any penalties enforced under this subsection shall be in~~  
36 ~~addition to other penalties provided by this chapter. The~~  
37 ~~department may enforce this section and adopt rules necessary to~~  
38 ~~administer this section.~~

39 (5) ~~Any person who violates s. 384.24(2) commits a felony~~  
40 ~~of the third degree, punishable as provided in s. 775.082, s.~~  
41 ~~775.083, or s. 775.084.~~ Any person who commits a second or

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42 subsequent violation of s. 384.24 ~~multiple violations of s.~~  
43 ~~384.24(2)~~ commits a felony of the third ~~first~~ degree, punishable  
44 as provided in s. 775.082, s. 775.083, or s. 775.084.

45 ~~(5)-(6)~~ Any person who obtains information that identifies  
46 an individual who has a sexually transmissible disease, who knew  
47 or should have known the nature of the information and  
48 maliciously, or for monetary gain, disseminates this information  
49 or otherwise makes this information known to any other person,  
50 except by providing it either to a physician or nurse employed  
51 by the Department of Health or to a law enforcement agency,  
52 commits a felony of the third degree, punishable as provided in  
53 s. 775.082, s. 775.083, or s. 775.084.

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**T I T L E   A M E N D M E N T**

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Remove lines 11-17 and insert:

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revising prohibitions relating to the transmission of certain  
59 diseases through sexual conduct; amending s. 384.34, F.S.;

60

revising