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A bill to be entitled
An act relating to sexually transmissible diseases; providing a short title; amending s. 381.0041, F.S.; reducing the degree of criminal penalty for certain persons who are infected with human immunodeficiency virus (HIV) and who donate blood, plasma, organs, skin, or other human tissue for use in another person; providing an exception; amending s. 384.23, F.S.; defining the terms "sexual conduct" and "substantial risk of transmission"; amending s. 384.24, F.S.; revising prohibitions relating to the intentional transmission of certain diseases through sexual conduct; providing exceptions; defining the term "behavioral recommendations"; providing that a person's failure to comply with behavioral recommendations does not de facto establish intent to transmit a disease; amending s. 384.34, F.S.; revising penalties to conform to changes made by the act; amending s. 775.0877, F.S.; revising requirements for HIV testing in cases involving criminal transmission of HIV; conforming provisions to changes made by the act; amending s. 921.0022, F.S.; conforming a provision to changes made by the act; amending s. 960.003, F.S.; conforming cross-references; providing an effective date.

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27 Be It Enacted by the Legislature of the State of Florida:
28

29 **Section 1.** This act may be cited as the "HIV Prevention
30 Justice Act."

31 **Section 2. Paragraph (b) of subsection (11) of section**
32 **381.0041, Florida Statutes, is amended to read:**

33 381.0041 Donation and transfer of human tissue; testing
34 requirements.—

35 (11)

36 (b) Except when the donation is deemed medically
37 appropriate by a licensed physician, any person who has human
38 immunodeficiency virus infection, who knows he or she is
39 infected with human immunodeficiency virus, and who has been
40 informed that he or she may communicate this disease by donating
41 blood, plasma, organs, skin, or other human tissue who donates
42 blood, plasma, organs, skin, or other human tissue for use in
43 another person commits a misdemeanor of the first degree is
44 guilty of a felony of the third degree, punishable as provided
45 in s. 775.082 or s. 775.083, or s. 775.084.

46 **Section 3. Section 384.23, Florida Statutes, is amended to**
47 **read:**

48 384.23 Definitions.—As used in this chapter, the term:

49 (1)-(2) "County health department" means agencies and
50 entities as designated in chapter 154.

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51 (2) (1) "Department" means the Department of Health.
52 (3) "Sexual conduct" means conduct between persons,
53 regardless of gender, which is capable of transmitting a
54 sexually transmissible disease, including, but not limited to,
55 contact between a:

56 (a) Penis and a vulva or an anus; or
57 (b) Mouth and a penis, a vulva, or an anus.

58 (4) "Sexually transmissible disease" means a bacterial,
59 viral, fungal, or parasitic disease determined by rule of the
60 department to be sexually transmissible, to be a threat to the
61 public health and welfare, and to be a disease for which a
62 legitimate public interest will be served by providing for
63 prevention, elimination, control, and treatment. The department
64 must, by rule, determine which diseases are to be designated as
65 sexually transmissible diseases and shall consider the
66 recommendations and classifications of the Centers for Disease
67 Control and Prevention and other nationally recognized medical
68 authorities in that determination. Not all diseases that are
69 sexually transmissible need be designated for the purposes of
70 this act.

71 (5) "Substantial risk of transmission" means a reasonable
72 probability of disease transmission as proven by competent
73 medical evidence.

74 **Section 4. Section 384.24, Florida Statutes, is amended to**
75 **read:**

76 384.24 Unlawful acts.—

77 (1) It is unlawful for any person who has chancroid,
78 gonorrhea, granuloma inguinale, lymphogranuloma venereum,
79 genital herpes simplex, chlamydia, nongonococcal urethritis
80 (NGU), pelvic inflammatory disease (PID)/acute salpingitis, or
81 syphilis, or human immunodeficiency virus, when such person
82 knows he or she is infected with one or more of these diseases
83 and when such person has been informed that he or she may
84 communicate this disease to another person through sexual
85 conduct intercourse, to act with the intent to transmit the
86 disease, to engage in have sexual conduct that poses a
87 substantial risk of transmission to another person when the
88 intercourse with any other person is unaware that the person is
89 a carrier of the disease, and to transmit the disease to the,
90 unless such other person has been informed of the presence of
91 the sexually transmissible disease and has consented to the
92 sexual intercourse.

93 (2) A person does not act with the intent required under
94 subsection (1) if he or she in good faith complies with a
95 treatment regimen prescribed by his or her health care provider
96 or with the behavioral recommendations of his or her health care
97 provider or public health officials to limit the risk of
98 transmission or if he or she offers to comply with such
99 behavioral recommendations but such offer is rejected by the
100 other person with whom he or she is engaging in sexual conduct.

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101 For purposes of this subsection, the term "behavioral
102 recommendations" includes, but is not limited to, the use of a
103 prophylactic device to limit the risk of transmission of the
104 disease. Evidence of the person's failure to comply with such a
105 treatment regimen or such behavioral recommendations is not, in
106 and of itself, sufficient to establish that he or she acted with
107 the intent required under subsection (1) It is unlawful for any
108 person who has human immunodeficiency virus infection, when such
109 person knows he or she is infected with this disease and when
110 such person has been informed that he or she may communicate
111 this disease to another person through sexual intercourse, to
112 have sexual intercourse with any other person, unless such other
113 person has been informed of the presence of the sexually
114 transmissible disease and has consented to the sexual
115 intercourse.

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

118 384.34 Penalties.—

119 (1) Any person who violates s. 384.24 the provisions of s.
120 384.24(1) commits a misdemeanor of the first degree, punishable
121 as provided in s. 775.082 or s. 775.083.

122 (2) Any person who violates the provisions of s. 384.26 or
123 s. 384.29 commits a misdemeanor of the first degree, punishable
124 as provided in s. 775.082 or s. 775.083.

125 (4) Any person who violates the provisions of the

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126 ~~department's rules pertaining to sexually transmissible diseases~~
127 ~~may be punished by a fine not to exceed \$500 for each violation.~~
128 ~~Any penalties enforced under this subsection shall be in~~
129 ~~addition to other penalties provided by this chapter. The~~
130 ~~department may enforce this section and adopt rules necessary to~~
131 ~~administer this section.~~

132 (5) Any person who violates s. 384.24(2) commits a felony
133 of the third degree, punishable as provided in s. 775.082, s.
134 775.083, or s. 775.084. Any person who commits multiple
135 violations of s. 384.24(2) commits a felony of the first degree,
136 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

137 (4) ~~(6)~~ Any person who obtains information that identifies
138 an individual who has a sexually transmissible disease, who knew
139 or should have known the nature of the information, and who
140 maliciously, or for monetary gain, disseminates this information
141 or otherwise makes this information known to any other person,
142 except by providing it either to a physician or nurse employed
143 by the Department of Health or to a law enforcement agency,
144 commits a felony of the third degree, punishable as provided in
145 s. 775.082, s. 775.083, or s. 775.084.

146 **Section 6. Subsections (1), (3), and (6) of section
147 775.0877, Florida Statutes, are amended to read:**

148 775.0877 Criminal transmission of HIV; procedures;
149 penalties.—

150 (1) In any case in which a person has been convicted of or

151 has pled nolo contendere or guilty to, regardless of whether
152 adjudication is withheld, any of the following offenses, or the
153 attempt thereof, which offense or attempted offense involves the
154 transmission of body fluids, with the exception of saliva, from
155 one person to another:

156 (a) Section 794.011, relating to sexual battery;

157 (b) Section 826.04, relating to incest;

158 (c) Section 800.04, relating to lewd or lascivious

159 offenses committed upon or in the presence of persons less than
160 16 years of age;

161 (d) Sections 784.011, 784.07(2)(a), and 784.08(2)(d),
162 relating to assault;

163 (e) Sections 784.021, 784.07(2)(c), and 784.08(2)(b),
164 relating to aggravated assault;

165 (f) Sections 784.03, 784.07(2)(b), and 784.08(2)(c),
166 relating to battery;

167 (g) Sections 784.045, 784.07(2)(d), and 784.08(2)(a),
168 relating to aggravated battery;

169 (h) Section 827.03(2)(c), relating to child abuse;

170 (i) Section 827.03(2)(a), relating to aggravated child
171 abuse;

172 (j) Section 825.102(1), relating to abuse of an elderly
173 person or disabled adult;

174 (k) Section 825.102(2), relating to aggravated abuse of an
175 elderly person or disabled adult;

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176 (1) Section 827.071, relating to sexual performance by
177 person less than 18 years of age;

178 (m) Sections 796.07 and 796.08, relating to prostitution;
179 or

180 (n) Section 381.0041(11)(b), relating to donation of
181 blood, plasma, organs, skin, or other human tissue; or

182 (n)(e) Section 787.06(3)(b), (d), (f), and (g) and (5),
183 relating to human trafficking,

184
185 the court shall order the offender to undergo HIV testing, to be
186 performed under the direction of the Department of Health in
187 accordance with s. 381.004, unless the offender has undergone
188 HIV testing voluntarily or pursuant to procedures established in
189 s. 381.004(2)(h)6. or s. 951.27, or any other applicable law or
190 rule providing for HIV testing of criminal offenders or inmates,
191 subsequent to her or his arrest for an offense enumerated in
192 paragraphs (a)-(m) ~~(a)-(n)~~ for which she or he was convicted or
193 to which she or he pled nolo contendere or guilty. The results
194 of an HIV test performed on an offender pursuant to this
195 subsection are not admissible in any criminal proceeding arising
196 out of the alleged offense.

197 (3) An offender who has undergone HIV testing pursuant to
198 subsection (1), and to whom positive test results have been
199 disclosed pursuant to subsection (2), who commits a second or
200 subsequent offense enumerated in paragraphs (1)(a)-(m) ~~(1)(a)-(m)~~

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201 (n), commits criminal transmission of HIV, a misdemeanor of the
202 first felony of the third degree, punishable as provided in s.
203 775.082 or, s. 775.083, or s. 775.084. A person may be convicted
204 and sentenced separately for a violation of this subsection and
205 for the underlying crime enumerated in paragraphs (1) (a)–(m)
206 (1) (a)–(n).

207 (6) For an alleged violation of any offense enumerated in
208 paragraphs (1) (a)–(m) (1) (a)–(n) for which the consent of the
209 victim may be raised as a defense in a criminal prosecution, it
210 is an affirmative defense to a charge of violating this section
211 that the person exposed knew that the offender was infected with
212 HIV, knew that the action being taken could result in
213 transmission of the HIV infection, and consented to the action
214 voluntarily with that knowledge.

215 **Section 7. Paragraph (e) of subsection (3) of section
216 921.0022, Florida Statutes, is amended to read:**

217 921.0022 Criminal Punishment Code; offense severity
218 ranking chart.—

219 (3) OFFENSE SEVERITY RANKING CHART

220 (e) LEVEL 5

Florida Statute	Felony Degree	Description
316.027(2)(a)	3rd	Accidents involving personal

			injuries other than serious bodily injury, failure to stop; leaving scene.
223	316.1935(3)(a)	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
224	316.80(2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
225	322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
226	327.30(5)(a)2.	3rd	Vessel accidents involving personal injuries other than serious bodily injury; leaving scene.
227	365.172	2nd	Misuse of emergency

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(14) (b) 2.

communications system resulting in death.

228

379.365 (2) (c) 1.

3rd

Violation of rules relating to: willful molestation of stone crab traps, lines, or buoys; illegal bartering, trading, or sale, conspiring or aiding in such barter, trade, or sale, or supplying, agreeing to supply, aiding in supplying, or giving away stone crab trap tags or certificates; making, altering, forging, counterfeiting, or reproducing stone crab trap tags; possession of forged, counterfeit, or imitation stone crab trap tags; and engaging in the commercial harvest of stone crabs while license is suspended or revoked.

229

379.367 (4)

3rd

Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.

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230	379.407(5)(b)3.	3rd	Possession of 100 or more undersized spiny lobsters.
231	381.0041(11)(b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
232	440.10(1)(g)	2nd	Failure to obtain workers' compensation coverage.
233	440.105(5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
234	440.381(2)	3rd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
235	624.401(4)(b)2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
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237	626.902(1)(c)	2nd	Representing an unauthorized insurer; repeat offender.
238	790.01(3)	3rd	Unlawful carrying of a concealed firearm.
239	790.162	2nd	Threat to throw or discharge destructive device.
240	790.163(1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.
241	790.221(1)	2nd	Possession of short-barreled shotgun or machine gun.
242	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
243	796.05(1)	2nd	Live on earnings of a prostitute; 1st offense.
	800.04(6)(c)	3rd	Lewd or lascivious conduct;

			offender less than 18 years of age.
244	800.04(7)(b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
245	806.111(1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
246	810.145(4)	3rd	Commercial digital voyeurism dissemination.
247	810.145(7)(a)	2nd	Digital voyeurism; 2nd or subsequent offense.
248	810.145(8)(a)	2nd	Digital voyeurism; certain minor victims.
249	812.014(2)(d)3.	2nd	Grand theft, 2nd degree; theft from 20 or more dwellings or their unenclosed curtilage, or any combination.

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250	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
251	812.015 (8) (a) & (c) - (e)	3rd	Retail theft; property stolen is valued at \$750 or more and one or more specified acts.
252	812.015 (8) (f)	3rd	Retail theft; multiple thefts within specified period.
253	812.015 (8) (g)	3rd	Retail theft; committed with specified number of other persons.
254	812.019 (1)	2nd	Stolen property; dealing in or trafficking in.
255	812.081 (3)	2nd	Trafficking in trade secrets.
256	812.131 (2) (b)	3rd	Robbery by sudden snatching.
257	812.16 (2)	3rd	Owning, operating, or conducting a chop shop.

258	817.034(4)(a)2.	2nd	Communications fraud, value \$20,000 to \$50,000.
259	817.234(11)(b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
260	817.2341(1), (2)(a) & (3)(a)	3rd	Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.
261	817.568(2)(b)	2nd	Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, \$5,000 or more or use of personal identification information of 10 or more persons.
262			

	817.611(2) (a)	2nd	Traffic in or possess 5 to 14 counterfeit credit cards or related documents.
263	817.625(2) (b)	2nd	Second or subsequent fraudulent use of scanning device, skimming device, or reencoder.
264	825.1025(4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
265	828.12(2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
266	836.14(4)	2nd	Person who willfully promotes for financial gain a sexually explicit image of an identifiable person without consent.
267	839.13(2) (b)	2nd	Falsifying records of an individual in the care and

			custody of a state agency involving great bodily harm or death.
268	843.01(1)	3rd	Resist officer with violence to person; resist arrest with violence.
269	847.0135 (5) (b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.
270	847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
271	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
272	874.05(1) (b)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
273	874.05(2) (a)	2nd	Encouraging or recruiting

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person under 13 years of age to join a criminal gang.

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893.13(1)(a)1. 2nd Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5. drugs).

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893.13(1)(c)2. 2nd Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.

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893.13(1)(d)1. 1st Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d),

			(2) (a), (2) (b), or (2) (c) 5. drugs) within 1,000 feet of university.
277	893.13(1) (e) 2.	2nd	Sell, manufacture, or deliver cannabis or other drug prohibited under s. 893.03(1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9., (2) (c) 10., (3), or (4) within 1,000 feet of property used for religious services or a specified business site.
278	893.13(1) (f) 1.	1st	Sell, manufacture, or deliver cocaine (or other s. 893.03(1) (a), (1) (b), (1) (d), or (2) (a), (2) (b), or (2) (c) 5. drugs) within 1,000 feet of public housing facility.
279	893.13(4) (b)	2nd	Use or hire of minor; deliver to minor other controlled substance.

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893.1351(1) 3rd Ownership, lease, or rental for trafficking in or manufacturing of controlled substance.

281

282 **Section 8. Paragraphs (a) and (b) of subsection (2) and**
283 **paragraph (a) of subsection (3) of section 960.003, Florida**
284 **Statutes, are amended to read:**

285 960.003 Hepatitis and HIV testing for persons charged with
286 or alleged by petition for delinquency to have committed certain
287 offenses; disclosure of results to victims.—

288 (2) TESTING OF PERSON CHARGED WITH OR ALLEGED BY PETITION
289 FOR DELINQUENCY TO HAVE COMMITTED CERTAIN OFFENSES.—

290 (a) In any case in which a person has been charged by
291 information or indictment with or alleged by petition for
292 delinquency to have committed any offense enumerated in s.
293 775.0877(1)(a)-(m) ~~s. 775.0877(1)(a)-(n)~~, which involves the
294 transmission of body fluids from one person to another, upon
295 request of the victim or the victim's legal guardian, or of the
296 parent or legal guardian of the victim if the victim is a minor,
297 the court shall order such person to undergo hepatitis and HIV
298 testing within 48 hours after the information, indictment, or
299 petition for delinquency is filed. In the event the victim or,
300 if the victim is a minor, the victim's parent or legal guardian
301 requests hepatitis and HIV testing after 48 hours have elapsed

302 from the filing of the indictment, information, or petition for
303 delinquency, the testing must ~~shall~~ be done within 48 hours
304 after the request.

305 (b) However, when a victim of any sexual offense
306 enumerated in s. 775.0877(1) (a)-(m) ~~s. 775.0877(1) (a)-(n)~~ is
307 under the age of 18 at the time the offense was committed or
308 when a victim of any sexual offense enumerated in s.
309 775.0877(1) (a)-(m) ~~s. 775.0877(1) (a)-(n)~~ or s. 825.1025 is a
310 disabled adult or elderly person as defined in s. 825.1025
311 regardless of whether the offense involves the transmission of
312 bodily fluids from one person to another, then upon the request
313 of the victim or the victim's legal guardian, or of the parent
314 or legal guardian, the court shall order such person to undergo
315 hepatitis and HIV testing within 48 hours after the information,
316 indictment, or petition for delinquency is filed. In the event
317 the victim or, if the victim is a minor, the victim's parent or
318 legal guardian requests hepatitis and HIV testing after 48 hours
319 have elapsed from the filing of the indictment, information, or
320 petition for delinquency, the testing must ~~shall~~ be done within
321 48 hours after the request. The testing must ~~shall~~ be performed
322 under the direction of the Department of Health in accordance
323 with s. 381.004. The results of a hepatitis and HIV test
324 performed on a defendant or juvenile offender pursuant to this
325 subsection are not ~~shall not~~ be admissible in any criminal or
326 juvenile proceeding arising out of the alleged offense.

327 (3) DISCLOSURE OF RESULTS.—

328 (a) The results of the test must ~~shall~~ be disclosed no
329 later than 2 weeks after the court receives such results, under
330 the direction of the Department of Health, to the person charged
331 with or alleged by petition for delinquency to have committed or
332 to the person convicted of or adjudicated delinquent for any
333 offense enumerated in s. 775.0877(1) (a)-(m) ~~s. 775.0877(1) (a)-~~
334 ~~(n)~~, which involves the transmission of body fluids from one
335 person to another, and, upon request, to the victim or the
336 victim's legal guardian, or the parent or legal guardian of the
337 victim if the victim is a minor, and to public health agencies
338 pursuant to s. 775.0877. If the alleged offender is a juvenile,
339 the test results must ~~shall~~ also be disclosed to the parent or
340 guardian. When the victim is a victim as described in paragraph
341 (2) (b), the test results must also be disclosed no later than 2
342 weeks after the court receives such results, to the person
343 charged with or alleged by petition for delinquency to have
344 committed or to the person convicted of or adjudicated
345 delinquent for any offense enumerated in s. 775.0877(1) (a)-(m)
346 ~~s. 775.0877(1) (a)-(n)~~, or s. 825.1025 regardless of whether the
347 offense involves the transmission of bodily fluids from one
348 person to another, and, upon request, to the victim or the
349 victim's legal guardian, or the parent or legal guardian of the
350 victim, and to public health agencies pursuant to s. 775.0877.
351 Otherwise, hepatitis and HIV test results obtained pursuant to

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352 this section are confidential and exempt from ~~the provisions of~~
353 s. 119.07(1) and s. 24(a), Art. I of the State Constitution and
354 may ~~shall~~ not be disclosed to any other person except as
355 expressly authorized by law or court order.

356 **Section 9.** This act shall take effect July 1, 2026.