

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, to incorporate the amendment made by the act  
 11          to s. 384.24; providing an effective date.

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

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

17           384.23 Definitions.—As used in this chapter, the term:

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

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

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

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

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

27 |        ~~(4)~~~~(3)~~ "Sexually transmissible disease" means a bacterial,  
 28 | viral, fungal, or parasitic disease determined by rule of the  
 29 | department to be sexually transmissible, to be a threat to the  
 30 | public health and welfare, and to be a disease for which a  
 31 | legitimate public interest will be served by providing for  
 32 | prevention, elimination, control, and treatment. The department  
 33 | must, by rule, determine which diseases are to be designated as  
 34 | sexually transmissible diseases and shall consider the  
 35 | recommendations and classifications of the Centers for Disease  
 36 | Control and Prevention and other nationally recognized medical  
 37 | authorities in that determination. Not all diseases that are  
 38 | sexually transmissible need be designated for the purposes of  
 39 | this act.

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

42 |        384.24 Unlawful acts.—

43 |        (1) It is unlawful for a ~~any~~ person who has chancroid,  
 44 | gonorrhoea, granuloma inguinale, lymphogranuloma venereum,  
 45 | genital herpes simplex, chlamydia, nongonococcal urethritis  
 46 | (NGU), pelvic inflammatory disease (PID)/acute salpingitis,  
 47 | human papillomavirus, hepatitis, or syphilis, when the ~~such~~  
 48 | person knows he or she is infected with one or more of these  
 49 | diseases and when the ~~such~~ person has been informed that he or  
 50 | she may communicate this disease to another person through

51 | sexual conduct ~~intercourse~~, to engage in ~~have~~ sexual conduct  
 52 | ~~intercourse~~ with another ~~any other~~ person, unless the ~~such~~ other  
 53 | person has been informed of the presence of the sexually  
 54 | transmissible disease and has consented to the sexual conduct  
 55 | ~~intercourse~~.

56 | (2) It is unlawful for a a ~~any~~ person who has human  
 57 | immunodeficiency virus infection, when the ~~such~~ person knows he  
 58 | or she is infected with this disease and when the ~~such~~ person  
 59 | has been informed that he or she may communicate this disease to  
 60 | another person through sexual conduct ~~intercourse~~, to engage in  
 61 | ~~have~~ sexual conduct ~~intercourse~~ with another ~~any other~~ person,  
 62 | unless the ~~such~~ other person has been informed of the presence  
 63 | of the sexually transmissible disease and has consented to the  
 64 | sexual conduct ~~intercourse~~.

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

69 | 384.34 Penalties.—

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

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

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76 | violations of s. 384.24(2) commits a felony of the first degree,  
77 | punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
78 |       Section 4. This act shall take effect October 1, 2017.