



26 Section 2. Paragraph (b) of subsection (11) of section  
 27 381.0041, Florida Statutes, is amended to read:

28 381.0041 Donation and transfer of human tissue; testing  
 29 requirements.—

30 (11)

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

41 Section 3. Section 384.23, Florida Statutes, is amended to  
 42 read:

43 384.23 Definitions.—As used in this chapter, the term:

44 (1) ~~(2)~~ "County health department" means agencies and  
 45 entities as designated in chapter 154.

46 (2) ~~(1)~~ "Department" means the Department of Health.

47 (3) "Sexual conduct" means conduct between persons,  
 48 regardless of gender, which is capable of transmitting a  
 49 sexually transmissible disease, including, but not limited to,  
 50 contact between a:

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

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

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

66 (5) "Substantial risk of transmission" means a reasonable  
 67 probability of disease transmission as proven by competent  
 68 medical evidence.

69 Section 4. Section 384.24, Florida Statutes, is amended to  
 70 read:

71 384.24 Unlawful acts.—

72 ~~(1)~~ It is unlawful for any person who has chancroid,  
 73 gonorrhea, granuloma inguinale, lymphogranuloma venereum,  
 74 genital herpes simplex, chlamydia, nongonococcal urethritis  
 75 (NGU), pelvic inflammatory disease (PID)/acute salpingitis, ~~or~~

76 syphilis, or human immunodeficiency virus, when such person  
 77 knows he or she is infected with one or more of these diseases  
 78 and when such person has been informed that he or she may  
 79 communicate this disease to another person through sexual  
 80 conduct intercourse, to engage in ~~have~~ sexual conduct  
 81 ~~intercourse~~ with any other person that poses a substantial risk  
 82 of transmission to another person, unless such other person has  
 83 been informed of the presence of the sexually transmissible  
 84 disease and has consented to the sexual conduct intercourse.

85 ~~(2) It is unlawful for any person who has human~~  
 86 ~~immunodeficiency virus infection, when such person knows he or~~  
 87 ~~she is infected with this disease and when such person has been~~  
 88 ~~informed that he or she may communicate this disease to another~~  
 89 ~~person through sexual intercourse, to have sexual intercourse~~  
 90 ~~with any other person, unless such other person has been~~  
 91 ~~informed of the presence of the sexually transmissible disease~~  
 92 ~~and has consented to the sexual intercourse.~~

93 Section 5. Section 384.34, Florida Statutes, is amended to  
 94 read:

95 384.34 Penalties.—

96 (1)(a) Except as provided in paragraph (b), any person who  
 97 violates s. 384.24 ~~the provisions of s. 384.24(1)~~ commits a  
 98 misdemeanor of the first degree, punishable as provided in s.  
 99 775.082 or s. 775.083.

100 ~~(b)(5) Any person who violates s. 384.24(2) commits a~~

101 ~~felony of the third degree, punishable as provided in s.~~  
 102 ~~775.082, s. 775.083, or s. 775.084.~~ Any person who commits a  
 103 second or subsequent violation of s. 384.24 ~~multiple violations~~  
 104 ~~of s. 384.24(2)~~ commits a felony of the third ~~first~~ degree,  
 105 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

109 (3) Any person who maliciously disseminates any false  
 110 information or report concerning the existence of any sexually  
 111 transmissible disease commits a felony of the third degree,  
 112 punishable as provided in ss. 775.082, 775.083, and 775.084.

113 ~~(4) Any person who violates the provisions of the~~  
 114 ~~department's rules pertaining to sexually transmissible diseases~~  
 115 ~~may be punished by a fine not to exceed \$500 for each violation.~~  
 116 ~~Any penalties enforced under this subsection shall be in~~  
 117 ~~addition to other penalties provided by this chapter. The~~  
 118 ~~department may enforce this section and adopt rules necessary to~~  
 119 ~~administer this section.~~

120 (4)-(6) Any person who obtains information that identifies  
 121 an individual who has a sexually transmissible disease, who knew  
 122 or should have known the nature of the information, and  
 123 maliciously, or for monetary gain, disseminates this information  
 124 or otherwise makes this information known to any other person,  
 125 except by providing it either to a physician or nurse employed

126 | by the Department of Health or to a law enforcement agency,  
 127 | commits a felony of the third degree, punishable as provided in  
 128 | s. 775.082, s. 775.083, or s. 775.084.

129 | Section 6. Subsections (1), (3), and (6) of section  
 130 | 775.0877, Florida Statutes, are amended to read:

131 | 775.0877 Criminal transmission of HIV; procedures;  
 132 | penalties.—

133 | (1) In any case in which a person has been convicted of or  
 134 | has pled nolo contendere or guilty to, regardless of whether  
 135 | adjudication is withheld, any of the following offenses, or the  
 136 | attempt thereof, which offense or attempted offense involves the  
 137 | transmission of body fluids, with the exception of saliva, from  
 138 | one person to another:

139 | (a) Section 794.011, relating to sexual battery;

140 | (b) Section 826.04, relating to incest;

141 | (c) Section 800.04, relating to lewd or lascivious  
 142 | offenses committed upon or in the presence of persons less than  
 143 | 16 years of age;

144 | (d) Sections 784.011, 784.07(2)(a), and 784.08(2)(d),  
 145 | relating to assault;

146 | (e) Sections 784.021, 784.07(2)(c), and 784.08(2)(b),  
 147 | relating to aggravated assault;

148 | (f) Sections 784.03, 784.07(2)(b), and 784.08(2)(c),  
 149 | relating to battery;

150 | (g) Sections 784.045, 784.07(2)(d), and 784.08(2)(a),

151 relating to aggravated battery;

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

153 (i) Section 827.03(2) (a), relating to aggravated child

154 abuse;

155 (j) Section 825.102(1), relating to abuse of an elderly

156 person or disabled adult;

157 (k) Section 825.102(2), relating to aggravated abuse of an

158 elderly person or disabled adult;

159 (l) Section 827.071, relating to sexual performance by

160 person less than 18 years of age;

161 (m) Sections 796.07 and 796.08, relating to prostitution;

162 ~~(n) Section 381.0041(11) (b), relating to donation of~~

163 ~~blood, plasma, organs, skin, or other human tissue; or~~

164 (n)~~(o)~~ Sections 787.06(3) (b), (d), (f), and (g), relating

165 to human trafficking,

166

167 the court shall order the offender to undergo HIV testing, to be

168 performed under the direction of the Department of Health in

169 accordance with s. 381.004, unless the offender has undergone

170 HIV testing voluntarily or pursuant to procedures established in

171 s. 381.004(2) (h)6. or s. 951.27, or any other applicable law or

172 rule providing for HIV testing of criminal offenders or inmates,

173 subsequent to her or his arrest for an offense enumerated in

174 paragraphs (a) - (m) ~~(a) - (n)~~ for which she or he was convicted or

175 to which she or he pled nolo contendere or guilty. The results

176 of an HIV test performed on an offender pursuant to this  
 177 subsection are not admissible in any criminal proceeding arising  
 178 out of the alleged offense.

179 (3) An offender who has undergone HIV testing pursuant to  
 180 subsection (1), and to whom positive test results have been  
 181 disclosed pursuant to subsection (2), who commits a second or  
 182 subsequent offense enumerated in paragraphs (1) (a) - (m) ~~(1) (a) -~~  
 183 ~~(n)~~, commits criminal transmission of HIV, a misdemeanor of the  
 184 first felony of the third degree, punishable as provided in s.  
 185 775.082 or, s. 775.083, ~~or s. 775.084~~. A person may be convicted  
 186 and sentenced separately for a violation of this subsection and  
 187 for the underlying crime enumerated in paragraphs (1) (a) - (m)  
 188 ~~(1) (a) - (n)~~.

189 (6) For an alleged violation of any offense enumerated in  
 190 paragraphs (1) (a) - (m) ~~(1) (a) - (n)~~ for which the consent of the  
 191 victim may be raised as a defense in a criminal prosecution, it  
 192 is an affirmative defense to a charge of violating this section  
 193 that the person exposed knew that the offender was infected with  
 194 HIV, knew that the action being taken could result in  
 195 transmission of the HIV infection, and consented to the action  
 196 voluntarily with that knowledge.

197 Section 7. Paragraph (e) of subsection (3) of section  
 198 921.0022, Florida Statutes, is amended to read:

199 921.0022 Criminal Punishment Code; offense severity  
 200 ranking chart.—



CS/HB 659

2023

201	(3) OFFENSE SEVERITY RANKING CHART		
202	(e) LEVEL 5		
203	Florida	Felony	
204	Statute	Degree	Description
205	316.027 (2) (a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
206	316.1935 (4) (a)	2nd	Aggravated fleeing or eluding.
207	316.80 (2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
208	322.34 (6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
209	327.30 (5)	3rd	Vessel accidents involving personal injury; leaving scene.
210	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.

210

379.367 (4) 3rd Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.

211

379.407 (5) (b) 3. 3rd Possession of 100 or more undersized spiny lobsters.

212

CS/HB 659

2023

213	<del>381.0041(11)(b)</del>	3rd	<del>Donate blood, plasma, or organs knowing HIV positive.</del>
214	440.10(1)(g)	2nd	Failure to obtain workers' compensation coverage.
215	440.105(5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
216	440.381(2)	3rd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
217	624.401(4)(b)2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
218	626.902(1)(c)	2nd	Representing an unauthorized insurer; repeat offender.
	790.01(2)	3rd	Carrying a concealed firearm.

CS/HB 659

2023

219	790.162	2nd	Threat to throw or discharge destructive device.
220	790.163 (1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.
221	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
222	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
223	796.05 (1)	2nd	Live on earnings of a prostitute; 1st offense.
224	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
225	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or

226			older.
	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
227			
	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
228			
	812.015 (8) (a) & (c) - (e)	3rd	Retail theft; property stolen is valued at \$750 or more and one or more specified acts.
229			
	812.015 (8) (f)	3rd	Retail theft; multiple thefts within specified period.
230			
	812.019 (1)	2nd	Stolen property; dealing in or trafficking in.
231			
	812.081 (3)	2nd	Trafficking in trade secrets.
232			
	812.131 (2) (b)	3rd	Robbery by sudden snatching.
233			

234	812.16(2)	3rd	Owning, operating, or conducting a chop shop.
235	817.034(4)(a)2.	2nd	Communications fraud, value \$20,000 to \$50,000.
236	817.234(11)(b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
237	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.
	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.

238

817.611 (2) (a) 2nd Traffic in or possess 5 to 14  
counterfeit credit cards or  
related documents.

239

817.625 (2) (b) 2nd Second or subsequent fraudulent  
use of scanning device,  
skimming device, or reencoder.

240

825.1025 (4) 3rd Lewd or lascivious exhibition  
in the presence of an elderly  
person or disabled adult.

241

827.071 (4) 2nd Possess with intent to promote  
any photographic material,  
motion picture, etc., which  
includes child pornography.

242

827.071 (5) 3rd Possess, control, or  
intentionally view any  
photographic material, motion  
picture, etc., which includes  
child pornography.

243

244	828.12(2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
245	836.14(4)	2nd	Person who willfully promotes for financial gain a sexually explicit image of an identifiable person without consent.
246	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.
247	843.01	3rd	Resist officer with violence to person; resist arrest with violence.
248	847.0135(5)(b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.



CS/HB 659

2023

249	847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
250	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
251	874.05(1)(b)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
252	874.05(2)(a)	2nd	Encouraging or recruiting person under 13 years of age to join a criminal gang.
253	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).
	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.

254

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.

255

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.

256

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.

257

893.13(4)(b)            2nd    Use or hire of minor; deliver  
to minor other controlled  
substance.

258

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

259

260            Section 8. Paragraphs (a) and (b) of subsection (2) and  
261 paragraph (a) of subsection (3) of section 960.003, Florida  
262 Statutes, are amended to read:

263            960.003    Hepatitis and HIV testing for persons charged with  
264 or alleged by petition for delinquency to have committed certain  
265 offenses; disclosure of results to victims.—

266            (2)    TESTING OF PERSON CHARGED WITH OR ALLEGED BY PETITION

267 FOR DELINQUENCY TO HAVE COMMITTED CERTAIN OFFENSES.—

268 (a) In any case in which a person has been charged by  
269 information or indictment with or alleged by petition for  
270 delinquency to have committed any offense enumerated in s.  
271 775.0877(1)(a)-(m) ~~s. 775.0877(1)(a)-(n)~~, which involves the  
272 transmission of body fluids from one person to another, upon  
273 request of the victim or the victim's legal guardian, or of the  
274 parent or legal guardian of the victim if the victim is a minor,  
275 the court shall order such person to undergo hepatitis and HIV  
276 testing within 48 hours after the information, indictment, or  
277 petition for delinquency is filed. In the event the victim or,  
278 if the victim is a minor, the victim's parent or legal guardian  
279 requests hepatitis and HIV testing after 48 hours have elapsed  
280 from the filing of the indictment, information, or petition for  
281 delinquency, the testing shall be done within 48 hours after the  
282 request.

283 (b) However, when a victim of any sexual offense  
284 enumerated in s. 775.0877(1)(a)-(m) ~~s. 775.0877(1)(a)-(n)~~ is  
285 under the age of 18 at the time the offense was committed or  
286 when a victim of any sexual offense enumerated in s.  
287 775.0877(1)(a)-(m) ~~s. 775.0877(1)(a)-(n)~~ or s. 825.1025 is a  
288 disabled adult or elderly person as defined in s. 825.1025  
289 regardless of whether the offense involves the transmission of  
290 bodily fluids from one person to another, then upon the request  
291 of the victim or the victim's legal guardian, or of the parent

292 or legal guardian, the court shall order such person to undergo  
293 hepatitis and HIV testing within 48 hours after the information,  
294 indictment, or petition for delinquency is filed. In the event  
295 the victim or, if the victim is a minor, the victim's parent or  
296 legal guardian requests hepatitis and HIV testing after 48 hours  
297 have elapsed from the filing of the indictment, information, or  
298 petition for delinquency, the testing shall be done within 48  
299 hours after the request. The testing shall be performed under  
300 the direction of the Department of Health in accordance with s.  
301 381.004. The results of a hepatitis and HIV test performed on a  
302 defendant or juvenile offender pursuant to this subsection shall  
303 not be admissible in any criminal or juvenile proceeding arising  
304 out of the alleged offense.

305 (3) DISCLOSURE OF RESULTS.—

306 (a) The results of the test shall be disclosed no later  
307 than 2 weeks after the court receives such results, under the  
308 direction of the Department of Health, to the person charged  
309 with or alleged by petition for delinquency to have committed or  
310 to the person convicted of or adjudicated delinquent for any  
311 offense enumerated in s. 775.0877(1)(a)-(m) ~~s. 775.0877(1)(a)-~~  
312 ~~(n)~~, which involves the transmission of body fluids from one  
313 person to another, and, upon request, to the victim or the  
314 victim's legal guardian, or the parent or legal guardian of the  
315 victim if the victim is a minor, and to public health agencies  
316 pursuant to s. 775.0877. If the alleged offender is a juvenile,

317 the test results shall also be disclosed to the parent or  
318 guardian. When the victim is a victim as described in paragraph  
319 (2)(b), the test results must also be disclosed no later than 2  
320 weeks after the court receives such results, to the person  
321 charged with or alleged by petition for delinquency to have  
322 committed or to the person convicted of or adjudicated  
323 delinquent for any offense enumerated in s. 775.0877(1)(a)-(m)  
324 ~~s. 775.0877(1)(a)-(n)~~, or s. 825.1025 regardless of whether the  
325 offense involves the transmission of bodily fluids from one  
326 person to another, and, upon request, to the victim or the  
327 victim's legal guardian, or the parent or legal guardian of the  
328 victim, and to public health agencies pursuant to s. 775.0877.  
329 Otherwise, hepatitis and HIV test results obtained pursuant to  
330 this section are confidential and exempt from the provisions of  
331 s. 119.07(1) and s. 24(a), Art. I of the State Constitution and  
332 shall not be disclosed to any other person except as expressly  
333 authorized by law or court order.

334 Section 9. This act shall take effect July 1, 2023.