

FLORIDA HIV LAW

WHAT YOU NEED TO KNOW

Florida statutes provide strict protection for persons living with HIV and AIDS (PLWHAs) with respect to confidentiality and HIV testing procedures. You can easily access all of the details by navigating to Florida statutes chapter 381.004.

Here is a handy link:

http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=Ch0381/SEC004.HTM&Title=->2009->Ch0381->Section%20004#0381.004

You have the right to know that Florida and most states have laws that criminalize acts which can result in the transmission of HIV to others. In Florida, if you have been informed that you have HIV infection, you must take steps to avoid transmitting it to others. This means informing your sex partners before having sex with them, even if you use a condom. Likewise, persons who have HIV infection and share needles to inject drugs may also be charged with a crime if your needle-sharing partner is unaware of your infection. Failure to inform partners is a third-degree felony in Florida and the penalty is up to five years in prison. This applies whether or not the partner becomes infected with HIV.

Here is a link to this law:

http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=Ch0384/SEC24.HTM&Title=->2009->Ch0384->Section%2024#0384.24

The same applies to donating blood or tissue and selling plasma. Here is a link to that law.

http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=Ch0381/SEC0041.HTM&Title=->2009->Ch0381->Section%200041#0381.0041

Other protections of your rights exist under certain federal laws including the Ryan White Care Act. Many resources to research these laws can be found on the internet by searching "Federal HIV Laws".

If you have a legal concern, speak with your health department HIV/AIDS Program or case manager. They can refer you to more information and resources. Your local chapter of the American Civil Liberties Union can also assist with questions you may have. Their website is: <http://www.aclu.org>