

# HIV Criminalization in Florida: What We Know

## HIV Criminalization Laws in Florida (2020)

Code Section	Criminalized Conduct
FLA. STAT. ANN. § 381.0041(11)(b)	Donating blood, plasma, organs, skin, or other human tissue by a person who knows they have HIV
FLA. STAT. ANN. § 796.08(5)	An offense of prostitution, offering to commit prostitution, or procuring another for prostitution by engaging in sexual activity in a manner likely to transmit HIV, by a person who knows they have HIV
FLA. STAT. ANN. § 384.24(2)	Sexual intercourse by a person who knows they have HIV and does not disclose their HIV status
FLA. STAT. ANN. § 775.0877	Transmission of body fluids during any of the following (or an attempt of any of the following) after a previous HIV positive test resulting from a prior offense for any of the following: sexual battery; incest; lewd & lascivious conduct on a person younger than 16; assault; aggravated assault; battery; aggravated battery; abuse or aggravated abuse of a child, elderly or disabled person; sex work; donation of blood, plasma, organs, skin, or other human tissue; or sexual performance by a person under the age of 18, unless the person exposed voluntarily consented.

874

Number of people who came into contact with the criminal system under one of these HIV specific laws from 1986 through 2017

266

Number of people actually convicted under one of these laws from 1986 through 2017

100%

Percentage of these convictions that did not require proof of conduct that is likely to transmit HIV

100%

Percentage of these convictions pursuant to a statute written so broadly that it includes conduct that cannot, in fact, result in transmission

0

Number of convictions that required actual transmission of HIV as an element of the offense