

# 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