

IN THE CIRCUIT COURT OF THE
EIGHTEENTH JUDICIAL CIRCUIT
IN AND FOR BREVARD COUNTY,
FLORIDA

ADMINISTRATIVE ORDER NO.:
12-18-B

**IN RE: JAIL - BREVARD COUNTY JAIL TESTING OF DETAINEES, INMATES, AND
OTHER PERSONS AND DISCLOSURE OF TEST RESULTS**

This Administrative Order sets forth the procedure for the testing of blood for detainees and inmates in the Brevard County Jail, as well as blood testing for other persons who come into contact with a person in such a way that significant exposure to bodily fluids has occurred.

This Administrative Order also sets forth the procedure for disclosure of blood test results.

WHEREAS, the legislature has previously and expressly authorized HIV and Hepatitis testing, and disclosure of the test results pursuant to court order, and under the direction of the Department of Children and Families, to the victim of criminal offenses which involve the transmission of bodily fluids, and disclosure also to public health agencies, pursuant to §960.003(1), Fla. Stat.

WHEREAS, the legislature also authorizes an officer, firefighter or ambulance driver, paramedic, or emergency technician, acting within the scope of employment, who comes into contact with a person in such a way that significant exposure to bodily fluids has occurred, to request that the person be screened for sexually transmissible disease. If the person who provides exposure of bodily fluids to another, is unwilling to voluntarily submit to screening, the person so exposed is authorized to seek a court order, directing the person to submit to screening, where there is significant exposure and the screening is medically necessary to determine the course of treatment to be provided to the exposed person. §384.287, Fla. Stat.

WHEREAS, disclosure must be immediate and consistent with legislative intent stated in §384.287 and 960.003(1), Fla. Stat., to prevent unnecessary mental anguish.

WHEREAS, due to the fact that it is often difficult for the Circuit Court to enter an order immediately authorizing prompt testing and disclosure as intended by the legislature, this standing Administrative Order is intended to prevent such delays.

WHEREAS, this Administrative Order is further designed to harmonize competing interests of due process rights and expectations or privacy of detainees and inmates with society's special need to protect persons responsible for the care and custody of detainees and inmates carrying infectious diseases,

thus allowing immediate testing and disclosure of the detainee's or inmate's blood test results in the least intrusive way by means of this standing Administrative Order, within the parameters of the case law, legislative intent, and statutory authority. Fosman v. State, 664 So.2d 1163 (Fla. 4th DCA 1995).

NOW THEREFORE, by the authority vested in me as Chief Judge of the Eighteenth Judicial Circuit and pursuant to the Florida Rules of Judicial Administration, it is:

ORDERED and ADJUDGED:

This Administrative Order shall be deemed to take effect as an Order authorizing blood testing and prompt disclosure of blood tests results under the circumstances set forth below.

1. Whenever any medical personnel, through or during the course of a detainee's or inmate's medical treatment, or any employee, agent, representative, contractor, or officer of the Brevard County Sheriff's Office, who is or has been responsible for the care and custody of a detainee or inmate, is exposed to the transmission of bodily fluids by a detainee or inmate who has been convicted or charged with an offense enumerated under §775.0877(1)(a)-(n), Fla. Stat., this Administrative Order will take effect so that there will already be deemed to have been a court order entered in this Eighteenth Judicial Circuit, directing the offender to immediately undergo HIV testing, and the test results to be disclosed promptly to such persons affected or impacted by exposure. §775.0877(2) and 960.003(3)(a), Fla. Stat. Testing and disclosure shall be immediate, consistent with legislative intent stated in §960.003(1), Fla. Stat., to prevent unnecessary mental anguish.
2. Whenever an officer (i.e., full-time, part-time or auxiliary law enforcement officer, correctional officer or correctional probation officer), a firefighter or public health agency personnel, acting within the scope of employment, comes into contact with an arrestee, detainee or inmate in such a way that significant exposure to bodily fluids has occurred, sufficient to warrant a reasonably cautious person to be concerned for the health and safety of their own and their family's health regarding infection, it shall be deemed that a *voluntary submission* to immediate testing for a sexually transmissible disease and prompt disclosure of the results has been made §384.287, Fla. Stat.
3. In the alternative, if the infected person, including a detainee or inmate is unwilling to voluntarily submit to testing, then the exposed person, may utilize this Administrative Order as the standing Order in effect, directing the person, including a detainee or inmate, to submit to immediate testing and prompt disclosure where there was significant exposure and the screening is medically necessary to determine the course of treatment. §384.287, Fla. Stat., and §960.003(1), (3), Fla. Stat. This immediate testing and disclosure is consistent with the policy and intent expressed by the legislature in §960.003(1), (3), Fla. Stat., to prevent extreme mental anguish.
4. Further, all detainees or inmates who have already been tested for infectious disease, including Hepatitis and those detainees or inmates tested for HIV pursuant to §775.0877 Fla. Stat., shall have their test results disclosed immediately to all medical personnel who have treated or examined them, and to all employees, agents, representatives, contractors, and officers of the Brevard County Sheriff's Office, who are or have been responsible for their care and custody. §951.27 and 960.003, Fla. Stat. Even though no court order is

necessary pursuant to §951.27, Fla. Stat., this Administrative Order shall be deemed as an Order in effect, directing such immediate testing and disclosure.

5. Nothing herein prohibits an exposed person referred to above from seeking a court order that specifically addresses the individual circumstances, which may include, but not be limited too, blood testing for both the infected person, a detainee or inmate, for HIV, Hepatitis A, Hepatitis B and Hepatitis C.
6. This Administrative Order shall take effect immediately and remain in effect until further Order of the Court, and all terms and conditions set forth in this Administrative Order shall apply unless otherwise ordered by the Court.

DONE AND ORDERED this 20TH day of June, 2012.

ALAN A. DICKEY
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CHIEF JUDGE

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