

IN THE CIRCUIT COURT OF THE SEVENTEENTH
JUDICIAL CIRCUIT IN AND FOR BROWARD COUNTY, FLORIDA

Administrative Order 2019-52-Crim

**ADMINISTRATIVE ORDER GOVERNING BLOOD TEST SCREENING
FOR CERTAIN DISEASES THROUGH A SIGNIFICANT EXPOSURE**

- (a) Pursuant to Article V, section 2(d) of the Florida Constitution, and section 43.26, Florida Statutes, the chief judge of each judicial circuit is charged with the authority and the power to do everything necessary to promote the prompt and efficient administration of justice.
- (b) Florida Rule of Judicial Administration 2.215(b)(3) states the chief judge “shall, considering available resources, ensure the efficient and proper administration of all courts within [this] circuit.”
- (c) Florida law authorizes an officer, as defined in section 943.10(14), Florida Statutes; support personnel as defined in section 943.10(11), Florida Statutes, who are employed by the Department of Law Enforcement, including but not limited to, any crime scene analyst, forensic technologists, or crime lab analysts; firefighters as defined in section 633.102, Florida Statutes; or ambulance driver, paramedic, or emergency medical technician as defined in section 401.23, Florida Statutes, acting within the scope of employment, or the employer of such individual, who comes into contact with a person in such a way that significant exposure of bodily fluids, as defined in section 381.004, Florida Statutes has occurred may request that the person be screened for a sexually transmissible disease that can be transmitted through a significant exposure.
- (d) If the person will not voluntarily submit to screening, the officer, support personnel of the Department of Law Enforcement, firefighter, ambulance driver, paramedic, or emergency medical technician, or the employer of any of the employees described above, acting on behalf of the employee, may seek a court order directing that the person who is the source of the significant exposure to bodily fluids, to submit to the screening of said person’s blood pursuant to section 384.287, Florida Statutes.
- (e) The early determination and disclosure of screening results to appropriate medical personnel and the person(s) exposed is a critical factor in the diagnosis and treatment of the exposed person(s), is necessary to prevent unnecessary mental anguish, and is in the best interests of public health, safety and welfare.
- (f) Due to the time, location and circumstances surrounding the occurrence of a significant exposure, it often can be difficult for the person or his/her employer to

obtain the required court order in a timely fashion so as to facilitate the prompt testing and disclosure as intended by the Legislature. As such, the court determines this Administrative Order is necessary in order to prevent the unnecessary delay and aid in the early diagnosis and treatment of the exposed person(s).

(g) This Administrative Order is designed to harmonize the competing interests of the due process rights and expectation of privacy of individuals carrying one or more infectious pathogens, with society's special need to protect persons who may otherwise come into contact with such persons by virtue of their employment, thus allowing immediate testing and disclosure of the individual's blood test results in the least intrusive way by means of this Administrative Order, within the parameters of case law, legislative intent, and statutory authority.

(h) In accordance with the authority vested in the chief judge by Article V, section 2(d) of the Florida Constitution, section 43.26, Florida Statutes, and Florida Rule of Judicial Administration 2.215, it is hereby **ORDERED, effective immediately**:

(1) This Administrative Order shall be deemed to take effect as an Order authorizing the prompt blood testing and disclosure of blood test results under the parameters set forth below.

(2) Whenever an officer, as defined in section 943.10(14), Florida Statutes; support personnel, as defined in section 943.10(11), Florida Statutes, who are employed by the Department of Law Enforcement, including, but not limited to, any crime scene analysts, forensic technologists, or crime lab analysts; firefighter as defined in section 633.102, Florida Statutes; or ambulance driver, paramedic, or emergency medical technician, as defined in section 401.23, Florida Statutes, acting within the scope of employment, or the employer of such individual, who comes into contact with a person in such a way that significant exposure of bodily fluids, as defined in section 381.004, Florida Statutes, has occurred, and thereafter, said individual will not voluntarily submit to screening, then the officer, support personnel of the Department of Law Enforcement, firefighter, ambulance driver, paramedic, or emergency medical technician, or the employer of any of the employees described above, acting on behalf of their employee, may, upon receipt of a sworn statement by a physician licensed under Chapter 458 or Chapter 459 attesting that a significant exposure has occurred and that in the physician's medical judgment, the screening is medically necessary to determine the course of treatment for the exposed person, utilize this Administrative Order as a standing order:

- a. Directing the person who is the source of the significant exposure to submit to immediate screening; and

- b. Providing for the prompt disclosure of the results of any such screening to the person who is the source of the significant exposure, to the person subjected to the significant exposure, to the physicians of the persons screened, and to the employer, if necessary for the filing of a Worker's Compensation claim or any other disability claim based on the significant exposure pursuant to section 384.287, Florida Statutes.
- (3) The sworn statement by a physician licensed under Chapter 458 or Chapter 459 attesting that a significant exposure has occurred and that in the physician's medical judgment, the screening is medically necessary to determine the course of treatment for the exposed person must be filed with the Clerk of the Court within twenty-four (24) hours after testing has occurred.
- (4) All screening performed pursuant to this Administrative Order must be conducted by the Department of Health or the Department's authorized representative or by licensed medical personnel at a licensed facility designated by the attesting physician. The cost of the screening shall be borne by the employer.
- (5) In order to use the provisions of this Administrative Order, the person subject to the significant exposure must also be screened for the same sexually transmissible diseases.
- (6) A person who receives the results of a test pursuant to this Administrative Order, which results disclose human immunodeficiency virus infection and are otherwise confidential pursuant to law, shall maintain the confidentiality of the information received and the identity of the person tested as required by section 381.004, Florida Statutes. Violation of this confidentiality may constitute a misdemeanor of the first degree, punishable as provided in section 775.082 or 775.083, Florida Statutes.

DONE AND ORDERED in Chambers, Fort Lauderdale, Florida, this 9th day of July, 2019.

/s/ Jack Tuter
Jack Tuter, Chief Judge