

THE EIGHTH JUDICIAL CIRCUIT OF FLORIDA  
ADMINISTRATIVE ORDER NO. 5.11

**PETITIONS FOR INVOLUNTARY SCREENING FOR SEXUALLY  
TRANSMISSIBLE DISEASES**

**WHEREAS**, section 384.287, Florida Statutes, provides that certain law enforcement officers, correctional officers, correctional probation officers, support personnel of the Department of Law Enforcement (including but not limited to crime scene analysts, forensic technologists, and crime lab analysts), firefighters, ambulance drivers, paramedics, and emergency medical technicians who have come into contact with a person in such a way that significant exposure, as defined in section 381.004, has occurred may seek a court order directing the person who is the source of such exposure to submit to screening for sexually transmissible diseases that can be transmitted through a significant exposure if said person will not voluntarily submit to screening; and

**WHEREAS**, the decision to render treatment for exposure to sexually transmissible diseases may in certain circumstances have serious consequences if not rendered promptly or if administered unnecessarily; and

**WHEREAS**, a protocol should be instituted for the prompt handling of petitions for involuntary screening which expedites such requests and which also safeguards the due process rights of persons who may be impacted, it is therefore

**ORDERED:**

1. To request an order directing a person to submit to screening pursuant to section 384.287, a petition shall be filed with the Clerk of Court by the person suffering significant exposure or said person's employer acting on behalf of the employee entitled "Petition for Order Directing Person to Submit to Section 384.287 STD Screening" which shall be accompanied by an affidavit from a physician licensed under chapter 458 or chapter 459 which demonstrates that significant exposure has occurred and that, in said physician's

medical judgment, immediate screening is medically necessary to determine the course of treatment for the exposed person. The affidavit shall clearly explain why immediate action is necessary to protect the exposed person, and the risks involved in delay and in unnecessary treatment should treatment be initiated without knowing whether exposure to sexually transmitted disease has occurred. The affidavit shall also clearly state the risks involved to the person from whom screening is being sought if screening is ordered.

2. The petitioner shall, contemporaneously with the filing of the petition, contact the assigned judge's office by telephone or in person, to alert the court that a petition has been filed. In addition, the petitioner shall e-mail (or, if *pro se* and unable to email, hand deliver) the judge's assistant a copy of the petition and affidavit, as well as two proposed orders, in Word format if delivered electronically, one of which denies the petition and one of which grants the petition.
3. The petition shall be filed by the Clerk of Court as an "MH" case, and in Alachua County the case shall be assigned to Division "Q". Upon filing, the Clerk of Court shall immediately send an e-mail to the emergency motion e-mail group established by the Court. The e-mail shall contain an appropriate subject line, and the petition, affidavit, and proposed orders shall be attached. The assigned judge shall immediately review said petition and affidavit and shall enter an appropriate order. If the assigned judge is not available, the judicial assistant shall take appropriate steps to locate a judge who is available for immediate review. If the petition is received "after hours" the matter shall be referred to the duty judge in the same manner as a petition for injunction against domestic violence.

**EFFECTIVE DATE**

This administrative order is effective immediately.

**ORDERED ON** this 9th day of November 2017.

  
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Toby S. Monaco Chief Judge