

1 A bill to be entitled

2 An act relating to an infectious disease elimination  
3 pilot program; creating the "Miami-Dade Infectious  
4 Disease Elimination Act (IDEA)"; amending s. 381.0038,  
5 F.S.; requiring the Department of Health to establish  
6 a sterile needle and syringe exchange pilot program in  
7 Miami-Dade County; providing for administration of the  
8 pilot program by the department or a designee;  
9 establishing pilot program criteria; providing that  
10 the distribution of needles and syringes under the  
11 pilot program is not a violation of the Florida  
12 Comprehensive Drug Abuse Prevention and Control Act or  
13 any other law; providing conditions under which a  
14 pilot program staff member or participant may be  
15 prosecuted; prohibiting the collection of participant  
16 identifying information; providing for the pilot  
17 program to be funded through private grants and  
18 donations; providing for expiration of the pilot  
19 program; requiring the Office of Program Policy  
20 Analysis and Government Accountability to submit a  
21 report and recommendations regarding the pilot program  
22 to the Legislature; providing rulemaking authority;  
23 providing for severability; providing an effective  
24 date.

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26 Be It Enacted by the Legislature of the State of Florida:

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Section 1. This act may be cited as the "Miami-Dade Infectious Disease Elimination Act (IDEA)."

Section 2. Section 381.0038, Florida Statutes, is amended to read:

381.0038 Education; sterile needle and syringe exchange pilot program.—The Department of Health shall establish a program to educate the public about the threat of acquired immune deficiency syndrome and a sterile needle and syringe exchange pilot program.

(1) The acquired immune deficiency syndrome education program shall:

(a) Be designed to reach all segments of Florida's population;

(b) Contain special components designed to reach non-English-speaking and other minority groups within the state;

(c) Impart knowledge to the public about methods of transmission of acquired immune deficiency syndrome and methods of prevention;

(d) Educate the public about transmission risks in social, employment, and educational situations;

(e) Educate health care workers and health facility employees about methods of transmission and prevention in their unique workplace environments;

(f) Contain special components designed to reach persons who may frequently engage in behaviors placing them at a high

53 risk for acquiring acquired immune deficiency syndrome;  
 54 (g) Provide information and consultation to state agencies  
 55 to educate all state employees; ~~and~~  
 56 (h) Provide information and consultation to state and  
 57 local agencies to educate law enforcement and correctional  
 58 personnel and inmates; ;~~-~~  
 59 (i) Provide information and consultation to local  
 60 governments to educate local government employees; ;~~-~~  
 61 (j) Make information available to private employers and  
 62 encourage them to distribute this information to their  
 63 employees; ;~~-~~  
 64 (k) Contain special components which emphasize appropriate  
 65 behavior and attitude change; and~~-~~  
 66 (1) Contain components that include information about  
 67 domestic violence and the risk factors associated with domestic  
 68 violence and AIDS.  
 69 (2) The education program designed by the Department of  
 70 Health shall use ~~utilize~~ all forms of the media and shall place  
 71 emphasis on the design of educational materials that can be used  
 72 by businesses, schools, and health care providers in the regular  
 73 course of their business.  
 74 (3) The department may contract with other persons in the  
 75 design, development, and distribution of the components of the  
 76 education program.  
 77 (4) The department shall establish a sterile needle and  
 78 syringe exchange pilot program in Miami-Dade County. The pilot

79 program shall be administered by the department or the  
80 department's designee. The department may designate one of the  
81 following entities to operate the pilot program at a fixed  
82 location or through a mobile health unit: a hospital licensed  
83 under chapter 395, a health care clinic licensed under part X of  
84 chapter 400, a substance abuse treatment program, an HIV or AIDS  
85 service organization, or another nonprofit entity designated by  
86 the department. The pilot program shall offer the free exchange  
87 of clean, unused needles and hypodermic syringes for used  
88 needles and hypodermic syringes as a means to prevent the  
89 transmission of HIV, AIDS, viral hepatitis, or other blood-borne  
90 diseases among intravenous drug users and their sexual partners  
91 and offspring.

92 (a) The pilot program shall:

93 1. Provide for maximum security of exchange sites and  
94 equipment, including an accounting of the number of needles and  
95 syringes in use, the number of needles and syringes in storage,  
96 safe disposal of returned needles, and any other measure that  
97 may be required to control the use and dispersal of sterile  
98 needles and syringes.

99 2. Strive for a one-to-one exchange, whereby the  
100 participant shall receive one sterile needle and syringe unit in  
101 exchange for each used one.

102 3. Make available educational materials; HIV counseling  
103 and testing; referral services to provide education regarding

104 HIV, AIDS, and viral hepatitis transmission; and drug-abuse  
105 prevention and treatment.

106 (b) The possession, distribution, or exchange of needles  
107 or syringes as part of the pilot program established by the  
108 department or the department's designee is not a violation of  
109 any part of chapter 893 or any other law.

110 (c) A pilot program staff member, volunteer, or  
111 participant is not immune from criminal prosecution for:

112 1. The possession of needles or syringes that are not a  
113 part of the pilot program; or

114 2. Redistribution of needles or syringes in any form, if  
115 acting outside the pilot program.

116 (d) The pilot program shall collect data for annual and  
117 final reporting purposes, which shall include information on the  
118 number of participants served, the number of needles and  
119 syringes exchanged and distributed, the demographic profiles of  
120 the participants served, the number of participants entering  
121 drug counseling and treatment, the number of participants  
122 receiving HIV, AIDS, or viral hepatitis testing, and other data  
123 deemed necessary for the pilot program. However, personal  
124 identifying information may not be collected from a participant  
125 for any purpose.

126 (e) State funds may not be used to operate the pilot  
127 program. The pilot program shall be funded through grants and  
128 donations from private resources and funds.

129        (f) The pilot program shall expire July 1, 2019, or, if  
130 operated by a designee, 5 years after the entity is designated.  
131 Six months before the pilot program expires, the Office of  
132 Program Policy Analysis and Government Accountability shall  
133 submit a report to the President of the Senate and the Speaker  
134 of the House of Representatives that includes the data  
135 collection requirements established in this subsection; the  
136 rates of HIV, AIDS, viral hepatitis, or other blood-borne  
137 diseases before the pilot program began and every subsequent  
138 year thereafter; and a recommendation on whether to continue the  
139 pilot program.

140        (g) The department may adopt and develop rules to  
141 administer this subsection.

142        Section 3. If any provision of this act or its application  
143 to any person or circumstance is held invalid, the invalidity  
144 does not affect other provisions or applications of the act that  
145 can be given effect without the invalid provision or  
146 application, and to this end the provisions of this act are  
147 severable.

148        Section 4. This act shall take effect July 1, 2014.