

2016242e1

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.; authorizing the University of Miami and its
6 affiliates to establish a sterile needle and syringe
7 exchange pilot program in Miami-Dade County;
8 establishing the pilot program criteria; providing
9 that the possession, distribution, or exchange of
10 needles and syringes under the pilot program is not a
11 violation of the Florida Comprehensive Drug Abuse
12 Prevention and Control Act or any other law; providing
13 conditions under which a pilot program staff member,
14 volunteer, or participant may be prosecuted; requiring
15 the pilot program to collect certain data for
16 reporting purposes; prohibiting the collection of
17 personal identifying information from program
18 participants; requiring the university and its
19 affiliates to submit quarterly and annual reports to
20 the Department of Health; requiring the university and
21 its affiliates to submit a final report containing
22 certain information and summaries to the department;
23 prohibiting state, county, or municipal funds from
24 being used to operate the pilot program; requiring the
25 pilot program to be funded through private grants and
26 donations; providing for expiration of the pilot
27 program; providing for severability; providing an
28 effective date.
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2016242e1

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

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

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

36 381.0038 Education; sterile needle and syringe exchange
37 pilot program.—The Department of Health shall establish a
38 program to educate the public about the threat of acquired
39 immune deficiency syndrome.

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

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

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

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

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

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

54 (f) Contain special components designed to reach persons
55 who may frequently engage in behaviors placing them at a high
56 risk for acquiring acquired immune deficiency syndrome;

57 (g) Provide information and consultation to state agencies
58 to educate all state employees; ~~and~~

2016242e1

59 (h) Provide information and consultation to state and local
60 agencies to educate law enforcement and correctional personnel
61 and inmates;~~;~~

62 (i) Provide information and consultation to local
63 governments to educate local government employees;~~;~~

64 (j) Make information available to private employers and
65 encourage them to distribute this information to their
66 employees;~~;~~

67 (k) Contain special components which emphasize appropriate
68 behavior and attitude change; ~~and;~~

69 (l) Contain components that include information about
70 domestic violence and the risk factors associated with domestic
71 violence and AIDS.

72 (2) The education program designed by the Department of
73 Health shall use ~~utilize~~ all forms of the media and shall place
74 emphasis on the design of educational materials that can be used
75 by businesses, schools, and health care providers in the regular
76 course of their business.

77 (3) The department may contract with other persons in the
78 design, development, and distribution of the components of the
79 education program.

80 (4) The University of Miami and its affiliates may
81 establish a single sterile needle and syringe exchange pilot
82 program in Miami-Dade County. The pilot program may operate at a
83 fixed location or through a mobile health unit. The pilot
84 program shall offer the free exchange of clean, unused needles
85 and hypodermic syringes for used needles and hypodermic syringes
86 as a means to prevent the transmission of HIV, AIDS, viral
87 hepatitis, or other blood-borne diseases among intravenous drug

2016242e1

88 users and their sexual partners and offspring.

89 (a) The pilot program must:

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

96 2. Operate a one-to-one exchange, whereby the participant
97 shall receive one sterile needle and syringe unit in exchange
98 for each used one.

99 3. Make available educational materials and referrals to
100 education regarding the transmission of HIV, viral hepatitis,
101 and other blood-borne diseases; provide referrals for drug abuse
102 prevention and treatment; and provide or refer for HIV and viral
103 hepatitis screening.

104 (b) The possession, distribution, or exchange of needles or
105 syringes as part of the pilot program established under this
106 subsection is not a violation of any part of chapter 893 or any
107 other law.

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

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

112 2. The redistribution of needles or syringes in any form,
113 if acting outside the pilot program.

114 (d) The pilot program must collect data for quarterly,
115 annual, and final reporting purposes. The annual report must
116 include information on the number of participants served, the

2016242e1

117 number of needles and syringes exchanged and distributed, the
118 demographic profiles of the participants served, the number of
119 participants entering drug counseling and treatment; the number
120 of participants receiving testing for HIV, AIDS, viral
121 hepatitis, or other blood-borne diseases; and other data
122 necessary for the pilot program. However, personal identifying
123 information may not be collected from a participant for any
124 purpose. Quarterly reports must be submitted to the Department
125 of Health in Miami-Dade County by October 15, January 15, April
126 15, and July 15 of each year. An annual report must be submitted
127 to the Department of Health by August 1 every year until the
128 program expires. A final report is due on August 1, 2021, to the
129 Department of Health and must describe the performance and
130 outcomes of the pilot program and include a summary of the
131 information in the annual reports for all pilot program years.

132 (e) State, county, or municipal funds may not be used to
133 operate the pilot program. The pilot program shall be funded
134 through grants and donations from private resources and funds.

135 (f) The pilot program shall expire July 1, 2021.

136 Section 3. If any provision of this act or its application
137 to any person or circumstance is held invalid, the invalidity
138 does not affect other provisions or applications of the act
139 which can be given effect without the invalid provision or
140 application, and to this end the provisions of this act are
141 severable.

142 Section 4. This act shall take effect July 1, 2016.