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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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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~~

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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

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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

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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.