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LEGISLATIVE ACTION

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| Senate | . | House |
| Comm: RS | . | |
| 02/04/2014 | . | |
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The Committee on Health Policy (Braynon) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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



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11 program to educate the public about the threat of acquired
12 immune deficiency syndrome and a sterile needle and syringe
13 exchange pilot program.

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

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

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

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

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

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

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

31 (g) Provide information and consultation to state agencies
32 to educate all state employees; ~~and~~

33 (h) Provide information and consultation to state and local
34 agencies to educate law enforcement and correctional personnel
35 and inmates; -

36 (i) Provide information and consultation to local
37 governments to educate local government employees; -

38 (j) Make information available to private employers and
39 encourage them to distribute this information to their



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40 employees;~~;~~

41 (k) Contain special components which emphasize appropriate
42 behavior and attitude change; ~~and.~~

43 (l) Contain components that include information about
44 domestic violence and the risk factors associated with domestic
45 violence and AIDS.

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

51 (3) The department may contract with other persons in the
52 design, development, and distribution of the components of the
53 education program.

54 (4) The department shall establish a sterile needle and
55 syringe exchange pilot program in Miami-Dade County. The pilot
56 program shall be administered by the department or the
57 department's designee. The department may designate one of the
58 following entities to operate the pilot program at a fixed
59 location or through a mobile health unit: a hospital licensed
60 under chapter 395, a health care clinic licensed under part X of
61 chapter 400, a substance abuse treatment program, an HIV or AIDS
62 service organization, or another nonprofit entity designated by
63 the department. The pilot program shall offer the free exchange
64 of clean, unused needles and hypodermic syringes for used
65 needles and hypodermic syringes as a means to prevent the
66 transmission of HIV, AIDS, viral hepatitis, or other blood-borne
67 diseases among intravenous drug users and their sexual partners
68 and offspring.



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69 (a) The pilot program shall:
70 1. Provide for maximum security of exchange sites and
71 equipment, including an accounting of the number of needles and
72 syringes in use, the number of needles and syringes in storage,
73 safe disposal of returned needles, and any other measure that
74 may be required to control the use and dispersal of sterile
75 needles and syringes.
76 2. Strive for a one-to-one exchange, whereby the
77 participant shall receive one sterile needle and syringe unit in
78 exchange for each used one.
79 3. Make available educational materials; HIV counseling and
80 testing; referral services to provide education regarding HIV,
81 AIDS, and viral hepatitis transmission; and drug-abuse
82 prevention and treatment.
83 (b) Notwithstanding any other provision of law, the
84 possession, distribution, or exchange of needles or syringes as
85 part of the pilot program established by the department or the
86 department's designee is not a violation of any part of chapter
87 893 or any other law.
88 (c) A pilot program staff member, volunteer, or participant
89 is not immune from criminal prosecution for:
90 1. The possession of needles or syringes that are not a
91 part of the pilot program; or
92 2. Redistribution of needles or syringes in any form, if
93 acting outside the pilot program.
94 (d) The pilot program shall collect data for annual and
95 final reporting purposes, which shall include information on the
96 number of participants served, the number of needles and
97 syringes exchanged and distributed, the demographic profiles of



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98 the participants served, the number of participants entering
99 drug counseling and treatment, the number of participants
100 receiving HIV, AIDS, or viral hepatitis testing, and other data
101 deemed necessary for the pilot program. However, personal
102 identifying information may not be collected from a participant
103 for any purpose.

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

107 (f) The pilot program shall expire 5 years after the date
108 the department designates an entity as defined in subsection (4)
109 to operate the pilot program. Six months before the pilot
110 program expires, the Office of Program Policy Analysis and
111 Government Accountability shall submit a report to the President
112 of the Senate and the Speaker of the House of Representatives
113 that includes the data collection requirements established in
114 this subsection; the rates of HIV, AIDS, viral hepatitis, or
115 other blood-borne diseases before the pilot program began and
116 every subsequent year thereafter; and a recommendation on
117 whether to continue the pilot program.

118 (g) The department may adopt and develop rules to
119 administer this subsection.

120 Section 3. If any provision of this act or its application
121 to any person or circumstance is held invalid, the invalidity
122 does not affect other provisions or applications of the act that
123 can be given effect without the invalid provision or
124 application, and to this end the provisions of this act are
125 severable.

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



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127 ===== T I T L E A M E N D M E N T =====

128 And the title is amended as follows:

129 Delete everything before the enacting clause

130 and insert:

131 A bill to be entitled

132 An act relating to an infectious disease elimination
133 pilot program; creating the "Miami-Dade Infectious
134 Disease Elimination Act (IDEA)"; amending s. 381.0038,
135 F.S.; requiring the Department of Health to establish
136 a sterile needle and syringe exchange pilot program in
137 Miami-Dade County; providing for administration of the
138 pilot program by the department or a designee;
139 establishing pilot program criteria; providing that
140 the distribution of needles and syringes under the
141 pilot program is not a violation of the Florida
142 Comprehensive Drug Abuse Prevention and Control Act or
143 any other law; providing conditions under which a
144 pilot program staff member or participant may be
145 prosecuted; prohibiting the collection of participant
146 identifying information; providing for the pilot
147 program to be funded through private grants and
148 donations; providing for expiration of the pilot
149 program; requiring the Office of Program Policy
150 Analysis and Government Accountability to submit a
151 report and recommendations regarding the pilot program
152 to the Legislature; providing rulemaking authority;
153 providing for severability; providing an effective
154 date.