

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Pafford offered the following:

2

3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. This act may be cited as the "Miami-Dade

6 Infectious Disease Elimination Act (IDEA)."

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

9 381.0038 Education; sterile needle and syringe exchange

10 pilot program.—The Department of Health shall establish a

11 program to educate the public about the threat of acquired
12 immune deficiency syndrome.

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

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- 15 (a) Be designed to reach all segments of Florida's
16 population;
- 17 (b) Contain special components designed to reach non-
18 English-speaking and other minority groups within the state;
- 19 (c) Impart knowledge to the public about methods of
20 transmission of acquired immune deficiency syndrome and methods
21 of prevention;
- 22 (d) Educate the public about transmission risks in social,
23 employment, and educational situations;
- 24 (e) Educate health care workers and health facility
25 employees about methods of transmission and prevention in their
26 unique workplace environments;
- 27 (f) Contain special components designed to reach persons
28 who may frequently engage in behaviors placing them at a high
29 risk for acquiring acquired immune deficiency syndrome;
- 30 (g) Provide information and consultation to state agencies
31 to educate all state employees; ~~and~~
- 32 (h) Provide information and consultation to state and
33 local agencies to educate law enforcement and correctional
34 personnel and inmates;i-
- 35 (i) Provide information and consultation to local
36 governments to educate local government employees;i-
- 37 (j) Make information available to private employers and
38 encourage them to distribute this information to their
39 employees;i-

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40 (k) Contain special components which emphasize appropriate
41 behavior and attitude change; and-

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

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

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

53 (4) The University of Miami and its affiliates may
54 establish a single sterile needle and syringe exchange pilot
55 program in Miami-Dade County. The pilot program may operate at a
56 fixed location or through a mobile health unit. The pilot
57 program shall offer the free exchange of clean, unused needles
58 and hypodermic syringes for used needles and hypodermic syringes
59 as a means to prevent the transmission of HIV, AIDS, viral
60 hepatitis, or other blood-borne diseases among intravenous drug
61 users and their sexual partners and offspring.

62 (a) The pilot program shall:

63 1. Provide for maximum security of exchange sites and
64 equipment, including an accounting of the number of needles and
65 syringes in use, the number of needles and syringes in storage,

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66 safe disposal of returned needles, and any other measure that
67 may be required to control the use and dispersal of sterile
68 needles and syringes.

69 2. Operate a one-to-one exchange, whereby the participant
70 shall receive one sterile needle and syringe unit in exchange
71 for each used one.

72 3. Make available educational materials; HIV counseling
73 and testing; referral services to provide education regarding
74 HIV, AIDS, and viral hepatitis transmission; and drug-abuse
75 prevention and treatment counseling and referral services.

76 (b) The possession, distribution, or exchange of needles
77 or syringes as part of the pilot program established under this
78 subsection is not a violation of any part of chapter 893 or any
79 other law.

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

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

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

86 (d) The pilot program shall collect data for annual and
87 final reporting purposes, which shall include information on the
88 number of participants served, the number of needles and
89 syringes exchanged and distributed, the demographic profiles of
90 the participants served, the number of participants entering
91 drug counseling and treatment, the number of participants

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92 receiving HIV, AIDS, or viral hepatitis testing, and other data
93 deemed necessary for the pilot program. However, personal
94 identifying information may not be collected from a participant
95 for any purpose.

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

99 (f) The pilot program shall expire July 1, 2019. Six
100 months before the pilot program expires, the Office of Program
101 Policy Analysis and Government Accountability shall submit a
102 report to the President of the Senate and the Speaker of the
103 House of Representatives that includes the data collection
104 requirements established in this subsection; the rates of HIV,
105 AIDS, viral hepatitis, or other blood-borne diseases before the
106 pilot program began and every subsequent year thereafter; and a
107 recommendation on whether to continue the pilot program.

108 Section 3. If any provision of this act or its application
109 to any person or circumstance is held invalid, the invalidity
110 does not affect other provisions or applications of the act that
111 can be given effect without the invalid provision or
112 application, and to this end the provisions of this act are
113 severable.

114 Section 4. This act shall take effect July 1, 2014.
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117 **T I T L E A M E N D M E N T**

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118 Remove everything before the enacting clause and insert:
119 A bill to be entitled
120 An act relating to an infectious disease elimination
121 pilot program; creating the "Miami-Dade Infectious
122 Disease Elimination Act (IDEA)"; amending s. 381.0038,
123 F.S.; requiring the University of Miami and its
124 affiliates to establish a single sterile needle and
125 syringe exchange pilot program in Miami-Dade County;
126 authorizing the pilot program to operate at a fixed
127 location or through a mobile health unit; establishing
128 pilot program criteria; providing that the
129 distribution of needles and syringes under the pilot
130 program is not a violation of the Florida
131 Comprehensive Drug Abuse Prevention and Control Act or
132 any other law; providing conditions under which a
133 pilot program staff member or participant may be
134 prosecuted; prohibiting the collection of participant
135 identifying information; providing for the pilot
136 program to be funded through private grants and
137 donations; providing for expiration of the pilot
138 program; requiring the Office of Program Policy
139 Analysis and Government Accountability to submit a
140 report and recommendations regarding the pilot program
141 to the Legislature; providing for severability;
142 providing an effective date.

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