A bill to be entitled
An act relating to infectious disease elimination
pilot programs; providing a short title; amending s.
381.0038, F.S.; authorizing the Department of Health
to establish sterile needle and syringe exchange pilot
programs upon request from eligible entities, rather
than a single program established in Miami-Dade
County; specifying who may be designated to operate a
program; providing for the expiration of all pilot
programs; providing for severability; providing an
effective date.

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

Section 1. This act may be cited as the “Florida Infectious
Disease Elimination Act (IDEA).”

Section 2. Subsection (4) of 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.

(4) The department University of Miami and its affiliates
may establish a single sterile needle and syringe exchange pilot
program upon request from an eligible entity in Miami-Dade
County. Each pilot program must be administered by the
department, or the department may designate one of the following
eligible entities to operate the pilot program may operate at a
fixed location or through a mobile health unit: a hospital
licensed under chapter 395, a health care clinic licensed under part X of chapter 400, a substance abuse treatment program, an HIV or AIDS service organization, or another nonprofit entity designated by the department. Each The pilot program shall offer the free exchange of clean, unused needles and hypodermic syringes for used needles and hypodermic syringes as a means to prevent the transmission of HIV, AIDS, viral hepatitis, or other blood-borne diseases among intravenous drug users and their sexual partners and offspring.

(a) Each The pilot program must:

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

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

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

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

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

1. The possession of needles or syringes that are not a part of the pilot program; or
2. The redistribution of needles or syringes in any form, if acting outside the pilot program.

(d) Each pilot program must collect data for quarterly, annual, and final reporting purposes. The annual report must include information on the number of participants served, the number of needles and syringes exchanged and distributed, the demographic profiles of the participants served, the number of participants entering drug counseling and treatment; the number of participants receiving testing for HIV, AIDS, viral hepatitis, or other blood-borne diseases; and other data necessary for the pilot program. However, personal identifying information may not be collected from a participant for any purpose. Quarterly reports must be submitted to the department of Health in Miami-Dade County by October 15, January 15, April 15, and July 15 of each year. An annual report must be submitted to the department of Health by August 1 every year until the program expires. A final report is due on August 1, 2023, to the department of Health and must describe the performance and outcomes of the pilot program and include a summary of the information in the annual reports for all pilot program years.

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

(f) All The pilot programs program shall expire July 1, 2023 2021.
Section 3. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

Section 4. This act shall take effect July 1, 2018.