A bill to be entitled
An act relating to infectious disease elimination
programs; providing a short title; amending s.
381.0038, F.S.; authorizing certain eligible entities
to establish sterile needle and syringe exchange
programs, rather than a single program established in
Miami-Dade County; requiring an eligible entity to
notify the Department of Health of specified
information; revising program requirements; exempting
certain persons affiliated with a program from
prosecution for possession of a needle or syringe
under certain circumstances; authorizing a county to
prohibit a program within its boundaries; providing
immunity from civil liability for certain law
enforcement officers; providing 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 “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) An eligible entity The University of Miami and its
affiliates may establish and operate a single sterile needle and
syringe exchange pilot program in Miami-Dade County. An eligible entity shall notify the department when it establishes such a program and provide the eligible entity’s name; the program’s name and address; and the name, address, and telephone number of a contact person. The pilot program may operate at a fixed location or through a mobile health unit. 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. For purposes of this subsection, an eligible entity includes a hospital licensed under chapter 395, a health care clinic licensed under part X of chapter 400, an accredited medical school, a substance abuse treatment program, or an HIV or AIDS service organization.

(a) 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. Provide needle and syringe exchange services for all program participants. 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...
4. Make available kits containing an emergency opioid antagonist, as defined in s. 381.887, or provide a referral to a program that can make available such kits.

(b) 1. The possession, distribution, or exchange of needles or syringes as part of a the pilot program established under this subsection is not a violation of any part of chapter 893 or any other law.

2. Notwithstanding chapter 893 or any other law, a program staff member, volunteer, or participant is immune from criminal prosecution for possession of a needle or syringe obtained from or surrendered to the program.

(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 the pilot program must collect data for quarterly, annual, and final reporting purposes. An 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. Each program must submit 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 which describes until the program expires. A final report is due on August 1, 2021, 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 the pilot program. The pilot program may shall be funded through grants and donations from private resources and funds or through county or municipal funding.

(f) A county may, by ordinance, prohibit a sterile needle and syringe exchange program from being located within the boundaries of that county.

(g) A law enforcement officer acting in good faith who arrests or charges a person who is thereafter determined to be immune from prosecution under this section shall be immune from civil liability that might otherwise be incurred or imposed by reason of the officer’s actions.

(f) The pilot program shall expire July 1, 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, 2019.