

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Pafford offered the following:

2  
3 **Amendment to Amendment (874629) (with title amendment)**

4 Between lines 4 and 5 of the amendment, insert:

5 Section 5. Sections 6 and 7 of this act may be cited as  
6 the "Miami-Dade Infectious Disease Elimination Act (IDEA)."

7 Section 6. 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 and a sterile needle and syringe  
13 exchange pilot program.

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- 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  
34 local agencies to educate law enforcement and correctional  
35 personnel and inmates;:-
- 36 (i) Provide information and consultation to local  
37 governments to educate local government employees;:-

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38 (j) Make information available to private employers and  
39 encourage them to distribute this information to their  
40 employees;~~-~~

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

43 (1) 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

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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.

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

79 3. Make available educational materials; HIV counseling  
80 and testing; referral services to provide education regarding  
81 HIV, AIDS, and viral hepatitis transmission; and drug abuse  
82 prevention and treatment counseling and referral services.

83 (b) The possession, distribution, or exchange of needles  
84 or syringes as part of the pilot program established by the  
85 department or the department's designee is not a violation of  
86 any part of chapter 893 or any other law.

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

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

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

93 (d) The pilot program shall collect data for annual and  
94 final reporting purposes, which shall include information on the  
95 number of participants served, the number of needles and  
96 syringes exchanged and distributed, the demographic profiles of  
97 the participants served, the number of participants entering  
98 drug counseling and treatment, the number of participants  
99 receiving HIV, AIDS, or viral hepatitis testing, and other data  
100 deemed necessary for the pilot program. However, personal  
101 identifying information may not be collected from a participant  
102 for any purpose.

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

106 (f) The pilot program shall expire July 1, 2019, or, if  
107 operated by a designee, 5 years after the entity is designated.  
108 Six months before the pilot program expires, the Office of  
109 Program Policy Analysis and Government Accountability shall  
110 submit a report to the President of the Senate and the Speaker  
111 of the House of Representatives that includes the data  
112 collection requirements established in this subsection; the  
113 rates of HIV, AIDS, viral hepatitis, or other blood-borne  
114 diseases before the pilot program began and every subsequent

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115 year thereafter; and a recommendation on whether to continue the  
116 pilot program.

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

119 Section 7. If any provision of this act or its application  
120 to any person or circumstance is held invalid, the invalidity  
121 does not affect other provisions or applications of the act that  
122 can be given effect without the invalid provision or  
123 application, and to this end the provisions of this act are  
124 severable.

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

128 Between lines 91 and 92 of the amendment, insert:  
129 creating the "Miami-Dade Infectious Disease  
130 Elimination Act (IDEA)"; amending s. 381.0038, F.S.;  
131 requiring the Department of Health to establish a  
132 sterile needle and syringe exchange pilot program in  
133 Miami-Dade County; providing for administration of the  
134 pilot program by the department or a designee;  
135 establishing pilot program criteria; providing that  
136 the distribution of needles and syringes under the  
137 pilot program is not a violation of the Florida  
138 Comprehensive Drug Abuse Prevention and Control Act or  
139 any other law; providing conditions under which a  
140 pilot program staff member or participant may be

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141 prosecuted; prohibiting the collection of participant  
142 identifying information; providing for the pilot  
143 program to be funded through private grants and  
144 donations; providing for expiration of the pilot  
145 program; requiring the Office of Program Policy  
146 Analysis and Government Accountability to submit a  
147 report and recommendations regarding the pilot program  
148 to the Legislature; providing rulemaking authority;  
149 providing severability;

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