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LEGISLATIVE ACTION

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

1 **Senate Substitute for Amendment (357286) (with title**
2 **amendment)**

3
4 Delete everything after the enacting clause
5 and insert:

6 Section 1. This act may be cited as the "Miami-Dade
7 Infectious Disease Elimination Act (IDEA)."

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

10 381.0038 Education; sterile needle and syringe exchange



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11 pilot program.—The Department of Health shall establish a
12 program to educate the public about the threat of acquired
13 immune deficiency syndrome and a sterile needle and syringe
14 exchange pilot program.

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

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

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

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

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

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

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

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

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

37 (i) Provide information and consultation to local
38 governments to educate local government employees; ~~—~~

39 (j) Make information available to private employers and



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40 encourage them to distribute this information to their
41 employees;~~;~~

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

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

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

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

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



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69 and offspring.

70 (a) The pilot program shall:

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

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

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

84 (b) Notwithstanding any other provision of law, the
85 possession, distribution, or exchange of needles or syringes as
86 part of the pilot program established by the department or the
87 department's designee is not a violation of any part of chapter
88 893 or any other law.

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

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

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

95 (d) The pilot program shall collect data for annual and
96 final reporting purposes, which shall include information on the
97 number of participants served, the number of needles and



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

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

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

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

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



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

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

130 And the title is amended as follows:

131 Delete everything before the enacting clause

132 and insert:

133 A bill to be entitled

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



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156

date.