

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Pafford offered the following:

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

4 Between lines 102 and 103, insert:

5 Section 2. Sections 3 and 4 of this act may be cited as
6 the "Miami-Dade Infectious Disease Elimination Act (IDEA)."

7 Section 3. 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 4. 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.

125 -----
126
127 **T I T L E A M E N D M E N T**

128 Remove line 6 and insert:

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

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

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