

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Gaetz offered the following:

2
3 **Substitute Amendment for Amendment (860423) (with title**
4 **amendment)**

5 Between lines 400 and 401, insert:

6 Section 3. Section 381.0038, Florida Statutes, is amended
7 to read:

8 381.0038 Education; sterile needle and syringe exchange
9 pilot program.—The Department of Health shall establish a
10 program to educate the public about the threat of acquired
11 immune deficiency syndrome.

12 (1) The acquired immune deficiency syndrome education
13 program shall:

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- 14 (a) Be designed to reach all segments of Florida's
15 population;
- 16 (b) Contain special components designed to reach non-
17 English-speaking and other minority groups within the state;
- 18 (c) Impart knowledge to the public about methods of
19 transmission of acquired immune deficiency syndrome and methods
20 of prevention;
- 21 (d) Educate the public about transmission risks in social,
22 employment, and educational situations;
- 23 (e) Educate health care workers and health facility
24 employees about methods of transmission and prevention in their
25 unique workplace environments;
- 26 (f) Contain special components designed to reach persons
27 who may frequently engage in behaviors placing them at a high
28 risk for acquiring acquired immune deficiency syndrome;
- 29 (g) Provide information and consultation to state agencies
30 to educate all state employees; ~~and~~
- 31 (h) Provide information and consultation to state and
32 local agencies to educate law enforcement and correctional
33 personnel and inmates;~~;~~
- 34 (i) Provide information and consultation to local
35 governments to educate local government employees;~~;~~
- 36 (j) Make information available to private employers and
37 encourage them to distribute this information to their
38 employees;~~;~~

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39 (k) Contain special components which emphasize appropriate
40 behavior and attitude change; and-

41 (1) Contain components that include information about
42 domestic violence and the risk factors associated with domestic
43 violence and AIDS.

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

49 (3) The department may contract with other persons in the
50 design, development, and distribution of the components of the
51 education program.

52 (4) The University of Miami and its affiliates may
53 establish a single sterile needle and syringe exchange pilot
54 program in Miami-Dade County. The pilot program may operate at a
55 fixed location or through a mobile health unit. The pilot
56 program shall offer the free exchange of clean, unused needles
57 and hypodermic syringes for used needles and hypodermic syringes
58 as a means to prevent the transmission of HIV, AIDS, viral
59 hepatitis, or other blood-borne diseases among intravenous drug
60 users and their sexual partners and offspring.

61 (a) The pilot program shall:

62 1. Provide for maximum security of exchange sites and
63 equipment, including an accounting of the number of needles and
64 syringes in use, the number of needles and syringes in storage,

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65 safe disposal of returned needles, and any other measure that
66 may be required to control the use and dispersal of sterile
67 needles and syringes.

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

71 3. Make available educational materials; HIV and viral
72 hepatitis counseling and testing; referral services to provide
73 education regarding HIV, AIDS, and viral hepatitis transmission;
74 and drug-abuse prevention and treatment counseling and referral
75 services.

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

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

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

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

86 (d) The pilot program shall collect data for annual and
87 final reporting purposes, which shall include information on the
88 number of participants served; the number of needles and
89 syringes exchanged and distributed; the demographic profiles of
90 the participants served; the number of participants entering

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91 drug counseling and treatment; the number of participants
92 receiving HIV, AIDS, or viral hepatitis testing; and other data
93 deemed necessary for the pilot program. However, personal
94 identifying information may not be collected from a participant
95 for any purpose.

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

99 (f) The pilot program shall expire July 1, 2020. Six
100 months before the pilot program expires, the Office of Program
101 Policy Analysis and Government Accountability shall submit a
102 report to the President of the Senate and the Speaker of the
103 House of Representatives that includes the data collection
104 requirements established in this subsection; the rates of HIV,
105 AIDS, viral hepatitis, or other blood-borne diseases before the
106 pilot program began and every subsequent year thereafter; and a
107 recommendation on whether to continue the pilot program.

108 Section 4. If any provision of this act or its application
109 to any person or circumstance is held invalid, the invalidity
110 does not affect other provisions or applications of the act that
111 can be given effect without the invalid provision or
112 application, and to this end the provisions of this act are
113 severable.

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

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117 Remove lines 2-7 and insert:
118 An act relating to infectious diseases; amending s.
119 381.004, F.S.; revising and providing definitions;
120 specifying the notification and consent procedures for
121 performing HIV tests in health care and nonhealth care
122 settings; amending s. 456.032, F.S.; conforming a
123 cross-reference; amending s. 381.0038, F.S.;
124 authorizing the University of Miami and its affiliates
125 to establish a sterile needle and syringe exchange
126 pilot program in Miami-Dade County; establishing pilot
127 program criteria; providing that the distribution of
128 needles and syringes under the pilot program is not a
129 violation of the Florida Comprehensive Drug Abuse
130 Prevention and Control Act or any other law; providing
131 conditions under which a pilot program staff member or
132 participant may be prosecuted; prohibiting the
133 collection of participant identifying information;
134 providing for the pilot program to be funded through
135 private grants and donations; providing for expiration
136 of the pilot program; requiring the Office of Program
137 Policy Analysis and Government Accountability to
138 submit a report and recommendations regarding the
139 pilot program to the Legislature; providing for
140 severability; providing an effective date.

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