

Amendment No.

CHAMBER ACTION

Senate

House

.

1 Representative Richardson offered the following:

2

3 **Amendment (with title amendment)**

4 Between lines 400 and 401, insert:

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

7 Section 4. 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.

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

860423

Approved For Filing: 4/20/2015 1:41:41 PM

Amendment No.

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

860423

Approved For Filing: 4/20/2015 1:41:41 PM

Amendment No.

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

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

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

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

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

62 (a) The pilot program shall:

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

860423

Approved For Filing: 4/20/2015 1:41:41 PM

Amendment No.

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

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

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

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

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

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

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

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

860423

Approved For Filing: 4/20/2015 1:41:41 PM

Amendment No.

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

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

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

109 Section 5. If any provision of this act or its application
110 to any person or circumstance is held invalid, the invalidity
111 does not affect other provisions or applications of the act that
112 can be given effect without the invalid provision or
113 application, and to this end the provisions of this act are
114 severable.

115
116 -----
117 **T I T L E A M E N D M E N T**

860423

Approved For Filing: 4/20/2015 1:41:41 PM

Amendment No.

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

860423

Approved For Filing: 4/20/2015 1:41:41 PM