

**By** the Committees on Fiscal Policy; and Health Policy; and  
Senators Braynon and Flores

594-01809-16

2016242c2

1                   A bill to be entitled  
2           An act relating to an infectious disease elimination  
3           pilot program; creating the "Miami-Dade Infectious  
4           Disease Elimination Act (IDEA)"; amending s. 381.0038,  
5           F.S.; authorizing the University of Miami and its  
6           affiliates to establish a sterile needle and syringe  
7           exchange pilot program in Miami-Dade County;  
8           establishing the pilot program criteria; providing  
9           that the possession, distribution, or exchange of  
10          needles and syringes under the pilot program is not a  
11          violation of the Florida Comprehensive Drug Abuse  
12          Prevention and Control Act or any other law; providing  
13          conditions under which a pilot program staff member,  
14          volunteer, or participant may be prosecuted; requiring  
15          the pilot program to collect certain data for  
16          reporting purposes; prohibiting the collection of  
17          personal identifying information from program  
18          participants; requiring the university and its  
19          affiliates to submit annual reports to the Department  
20          of Health; requiring the university and its affiliates  
21          to submit a final report containing certain  
22          information and summaries to the department;  
23          prohibiting state, county, or municipal funds from  
24          being used to operate the pilot program; requiring the  
25          pilot program to be funded through private grants and  
26          donations; providing for expiration of the pilot  
27          program; providing for severability; providing an  
28          effective date.

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30 Be It Enacted by the Legislature of the State of Florida:

31  
32 Section 1. This act may be cited as the "Miami-Dade  
33 Infectious Disease Elimination Act (IDEA)."

34 Section 2. Section 381.0038, Florida Statutes, is amended  
35 to read:

36 381.0038 Education; sterile needle and syringe exchange  
37 pilot program.—The Department of Health shall establish a  
38 program to educate the public about the threat of acquired  
39 immune deficiency syndrome.

40 (1) The acquired immune deficiency syndrome education  
41 program shall:

42 (a) Be designed to reach all segments of Florida's  
43 population;

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

46 (c) Impart knowledge to the public about methods of  
47 transmission of acquired immune deficiency syndrome and methods  
48 of prevention;

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

51 (e) Educate health care workers and health facility  
52 employees about methods of transmission and prevention in their  
53 unique workplace environments;

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

57 (g) Provide information and consultation to state agencies  
58 to educate all state employees; ~~and~~

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59 (h) Provide information and consultation to state and local  
60 agencies to educate law enforcement and correctional personnel  
61 and inmates;~~;~~

62 (i) Provide information and consultation to local  
63 governments to educate local government employees;~~;~~

64 (j) Make information available to private employers and  
65 encourage them to distribute this information to their  
66 employees;~~;~~

67 (k) Contain special components which emphasize appropriate  
68 behavior and attitude change; ~~and~~

69 (l) Contain components that include information about  
70 domestic violence and the risk factors associated with domestic  
71 violence and AIDS.

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

77 (3) The department may contract with other persons in the  
78 design, development, and distribution of the components of the  
79 education program.

80 (4) The University of Miami and its affiliates may  
81 establish a single sterile needle and syringe exchange pilot  
82 program in Miami-Dade County. The pilot program may operate at a  
83 fixed location or through a mobile health unit. The pilot  
84 program shall offer the free exchange of clean, unused needles  
85 and hypodermic syringes for used needles and hypodermic syringes  
86 as a means to prevent the transmission of HIV, AIDS, viral  
87 hepatitis, or other blood-borne diseases among intravenous drug

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88 users and their sexual partners and offspring.

89 (a) The pilot program must:

90 1. Provide for maximum security of exchange sites and  
91 equipment, including an accounting of the number of needles and  
92 syringes in use, the number of needles and syringes in storage,  
93 safe disposal of returned needles, and any other measure that  
94 may be required to control the use and dispersal of sterile  
95 needles and syringes.

96 2. Operate a one-to-one exchange, whereby the participant  
97 shall receive one sterile needle and syringe unit in exchange  
98 for each used one.

99 3. Make available educational materials; HIV, AIDS, and  
100 viral hepatitis counseling and testing; referral services to  
101 provide education regarding the transmission of HIV, AIDS, viral  
102 hepatitis, and other blood-borne diseases; and drug abuse  
103 prevention and treatment counseling and referral services.

104 (b) The possession, distribution, or exchange of needles or  
105 syringes as part of the pilot program established under this  
106 subsection is not a violation of any part of chapter 893 or any  
107 other law.

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

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

112 2. The redistribution of needles or syringes in any form,  
113 if acting outside the pilot program.

114 (d) The pilot program must collect data for annual and  
115 final reporting purposes. The annual report must include  
116 information on the number of participants served, the number of

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117 needles and syringes exchanged and distributed, the demographic  
118 profiles of the participants served, the number of participants  
119 entering drug counseling and treatment, the number of  
120 participants receiving testing for HIV, AIDS, viral hepatitis,  
121 or other blood-borne diseases, and other data necessary for the  
122 pilot program. However, personal identifying information may not  
123 be collected from a participant for any purpose. An annual  
124 report must be submitted to the Department of Health by July 1  
125 every year until the program expires. A final report is due on  
126 August 1, 2021, to the Department of Health and must describe  
127 the performance and outcomes of the pilot program and include a  
128 summary of the information in the annual reports for all pilot  
129 program years.

130 (e) State, county, or municipal funds may not be used to  
131 operate the pilot program. The pilot program shall be funded  
132 through grants and donations from private resources and funds.

133 (f) The pilot program shall expire July 1, 2021.

134 Section 3. If any provision of this act or its application  
135 to any person or circumstance is held invalid, the invalidity  
136 does not affect other provisions or applications of the act  
137 which can be given effect without the invalid provision or  
138 application, and to this end the provisions of this act are  
139 severable.

140 Section 4. This act shall take effect July 1, 2016.