



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

September 11, 2020

Honorable J.K. "Jess" Irby, Esq.
Clerk of the Circuit Court
Alachua County
201 East University Avenue
Post Office Box 939
Gainesville, Florida 32602

Attention: Steve Donahey

Dear Mr. Irby:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of the Alachua County Ordinance No. 2020-20, which was filed in this office on September 11, 2020.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

ALACHUA COUNTY
BOARD OF COUNTY COMMISSIONERS

ORDINANCE NO. 2020-20

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA, ENACTING THE ALACHUA COUNTY NEEDLE EXCHANGE PROGRAM, PROVIDING FOR REPEALING CLAUSE, PROVIDING FOR MODIFICATION AT PUBLIC HEARING, PROVIDING FOR SEVERABILITY, PROVIDING FOR INCLUSION IN THE CODE, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Alachua County intend to establish a sterile needle exchange program for health and safety of the residents of Alachua County; and,

WHEREAS, Laws of Florida 2019-143 amended Section 381.0038 to provide for a needle exchange program to prevent the transmission of HIV, AIDS, viral hepatitis, or other blood-borne diseases among intravenous drug users; and,

WHEREAS, the Section 381.0038(4) F.S. provides that in order for a local program to be set up, it must be established by Ordinance by the Board of County Commissioners; and,

WHEREAS, in order to establish such a program the County must enter into an agreement with the Department of Health which agrees that the County shall operate the program in accordance with State law. Further the agreement will provide for ongoing consultation and advice by the Department in the operation of the program, and

WHEREAS, the County must Contract with one of a number of agencies listed by statute for the operation of the program; and,

WHEREAS, no State, county, or municipal funds may be used to operate an exchange program which must be funded through grants and donations from private resources and funds.

NOW, THEREFORE, BE IT DULY ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1. The Alachua County Sterile Needle Exchange Program is created as follows:

A. The County Manager shall enter into an agreement with the Department of Health to establish a program which meets the requirements of Section 381.0038, F.S.

B. The County Manager shall place responsibility for the program within one of her operational departments.

C. The County shall identify an entity meeting the requirements of Section 381.0038(4)(a)(4) to create and operate the program. These programs are:

i. A hospital licensed under chapter 395.

ii. A health care clinic licensed under part X of chapter 400.

iii. A medical school in this state accredited by the Liaison Committee on Medical Education or the Commission on Osteopathic College Accreditation.

iv. A licensed addictions receiving facility as defined in s. 397.311(26)(a)1.

v. A s. 501(c)(3) HIV/AIDS service organization.

D. An exchange program must:

i. Develop an oversight and accountability system to ensure the program's compliance with statutory and contractual requirements. The system must include measurable objectives for meeting the goal of the program and must track the progress in achieving those objectives. The system must require the program operator to routinely report its progress in achieving the objectives and the goal of the program. The system must also incorporate mechanisms to track the program operator's compliance or noncompliance with contractual obligations and to apply consequences for noncompliance. The program must receive the county commission's approval of the oversight and accountability system before commencing operations.

- 1 ii. Provide for maximum security of sites where needles and syringes are exchanged
2 and of any equipment used under the program, including, at a minimum, an
3 accounting of the number of needles and syringes in use, the number of needles
4 and syringes in storage, safe disposal of returned needles, and any other measure
5 that may be required to control the use and dispersal of sterile needles and
6 syringes.
- 7 iii. Operate a one-to-one exchange, whereby a participant shall receive one sterile
8 needle and syringe unit in exchange for each used one.
- 9 iv. Make available educational materials regarding the transmission of HIV, viral
10 hepatitis, and other blood-borne diseases. The program operator must offer such
11 materials to program participants whenever needles or syringes are exchanged.
- 12 v. Provide onsite counseling or referrals for drug abuse prevention, education, and
13 treatment, and provide onsite HIV and viral hepatitis screening or referrals for
14 such screening. If such services are offered solely by referral, they must be made
15 available to participants within 72 hours. The county commission in a rural
16 county may, under its contract with the program operator, adjust the 72-hour
17 requirement if the commission finds that the availability of providers warrants an
18 extended timeframe.
- 19 vi. Provide kits containing an emergency opioid antagonist, as defined in s. 381.887,
20 or provide referrals to a program that can provide such kits.
- 21 vii. Collect data for annual reporting purposes. The data must include the number of
22 participants served; the number of used needles and syringes received and the
23 number of clean, unused needles and syringes distributed through exchange with
24 participants; the demographic profiles of the participants served; the number of
25 participants entering drug counseling or treatment; the number of participants
26 receiving testing for HIV, AIDS, viral hepatitis, or other blood-borne diseases;
27 and other data that may be required under department rule. However, a
28 participant's personal identifying information may not be collected for any
29 purpose. Each exchange program shall submit a report to its county commission

1 and to the department by August 1 annually. The department shall submit a
2 compilation report encompassing data from all exchange programs annually by
3 October 1 to the Governor, the President of the Senate, and the Speaker of the
4 House of Representatives. The department may adopt rules to implement this
5 subparagraph.

6 E. The County shall conduct periodic reviews to determine if the program is meeting
7 the requirements of Section 381.0038(4)(b)

8 SECTION 2. Repealing Clause. All ordinances or portions thereof in conflict herewith
9 are, to the extent of such conflict, hereby repealed.

10 SECTION 3. Modification. It is the intent of the Board of County Commissioners that
11 the provisions of this ordinance may be modified as a result of considerations that may arise
12 during public hearings. Such modifications shall be incorporated into the final version of the
13 ordinance adopted by the Board and filed by the Clerk to the Board.

14 SECTION 4. Severability. If any word, phrase, clause, paragraph, section or provision of
15 this ordinance or the application hereof to any person or circumstance is held invalid or
16 unconstitutional, such finding shall not affect the other provisions or applications of the
17 ordinance which can be given effect without the invalid or unconstitutional provisions or
18 application, and to this end the provisions of this ordinance are declared severable.

19 SECTION 5. Inclusion in the Code. It is the intent of the Board of County
20 Commissioners of Alachua County, Florida, and it is hereby provided that the provisions of this
21 ordinance shall become and be made a part of the Code of Ordinances of Alachua County,
22 Florida; that the section of this ordinance may be renumbered or re-lettered to accomplish such
23 intent and that the word "ordinance" may be changed to "section", "article", or other appropriate
24 designation.

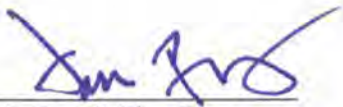
25 SECTION 6. Effective Date. A certified copy of this ordinance shall be filed with the

1 Department of State by the Clerk of the Board within ten (10) days after enactment by the
2 Board and shall take effect upon filing with the Department of State.


3 **DULY ADOPTED** in regular session, this 8th day of September, 2020.
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5 **BOARD OF COUNTY COMMISSIONERS OF**
6 **ALACHUA COUNTY, FLORIDA**
7

8 ATTEST:

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12 J.K. "Jess" Irby, Esq.
13 Clerk
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BY:


Robert Hutchinson, Chair
Board of County Commissioners

15 APPROVED AS TO FORM
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County Attorney