



Broward County

Legislation Details (With Text)

File #: 22-1186 **Version:** 1

Status: Agenda Ready

In control: Human Services - Community Partnerships Division

On agenda: 8/25/2022 **Final action:** 8/25/2022

Title: A. MOTION TO APPROVE oversight and accountability system, as required by state law, for the Broward County Safe Syringe Exchange Program (“Program”) to ensure the Program operator’s compliance with the statutory and contractual requirements.

ACTION: (T-10:19 AM) Approved.

VOTE: 9-0.

B. MOTION TO APPROVE waiver of conflict under Section 112.313(7)(a), Florida Statutes, for the following Broward County advisory board member holding an employment or contractual relationship with an entity receiving funds for the performance of services under this agenda item: Rafael F. Jimenez.

ACTION: (T-10:19 AM) Approved.

VOTE: 9-0.

Sponsors:

Indexes: Established Commission Goals

Code sections:

Attachments: 1. Exhibit 1 - Oversight and accountability system, 2. Exhibit 2 - Draft Safe Syringe Exchange Program Agreement, 3. Exhibit 3 - Conflict of Interest Waiver

| Date | Ver. | Action By | Action | Result |
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Broward County Commission Regular Meeting

Director's Name: Tara Williams

Department: Human Services

Division: Community Partnerships

Information

Requested Action

A. MOTION TO APPROVE oversight and accountability system, as required by state law, for the Broward County Safe Syringe Exchange Program (“Program”) to ensure the Program operator’s compliance with the statutory and contractual requirements.

ACTION: (T-10:19 AM) Approved.

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Jimenez.

ACTION: (T-10:19 AM) Approved.

VOTE: 9-0.

Why Action is Necessary

A. Broward County Board of County Commissioners (“Commission”) must approve the Program’s oversight and accountability system, as specified in Section 381.0038(4)(b), Florida Statutes.

B. A waiver of conflict arising under Section 112.313(7)(a), Florida Statutes, requires two-thirds approval by the Commission.

What Action Accomplishes

Approval of Motion A provides for Program compliance with statutory requirements, which explicitly call for Commission approval of an oversight and accountability system.

Approval of Motion B waives the existence of any conflict arising under Section 112.313(7)(a), Florida Statutes, as authorized under applicable law.

Is this Action Goal Related

Yes

Previous Action Taken

None

Summary Explanation/Background

THE HUMAN SERVICES DEPARTMENT AND THE COMMUNITY PARTNERSHIPS DIVISION RECOMMEND APPROVAL OF THE ABOVE MOTIONS.

These actions support the Commission’s value of “approaching human services collaboratively and compassionately, with special emphasis on the most vulnerable” and the goal to “collaborate with public and private partners to find creative, equitable, and responsible solutions to systemic community problems, especially permanent, supportive housing for persons experiencing, or at risk of, homelessness.”

On December 3, 2019 (Item No. 72), the Commission authorized the establishment of the Program via the Broward County Code of Ordinances, Section 15-13, to prevent the transmission of HIV, AIDS, viral hepatitis, or other blood-borne diseases among intravenous drug users and their sexual partners and offspring.

On June 1, 2021 (Item No. 8), the Commission approved Care Resource Community Health Centers Incorporated as the Program operator. A draft of the agreement with the program operator is attached for reference as Exhibit 2. The oversight and accountability system was subsequently developed, and this item seeks Commission approval of the system as outlined in Exhibit 1.

As required by Section 381.0038(4)(b), Florida Statutes, the oversight and accountability system 1)

allows the Community Partnerships Division to measure objectives for meeting the goals of the Program, 2) allows the Community Partnerships Division to track the progress in achieving those objectives, 3) requires the Provider to routinely report its progress in achieving the objectives and the goals of the Program, 4) incorporates mechanisms to track Provider's compliance or noncompliance with statutory and contractual obligations, and 5) allows Broward County to apply consequences for noncompliance.

Approval of this item would give rise to certain employment conflicts under Section 112.313(7)(a), Florida Statutes, which provides that "no public officer... shall have or hold any employment or contractual relationship with any business entity... which is... doing business with an agency of which he or she is an officer or employee." In accordance with 112.313(12), Florida Statutes, Commission approval is required to waive any conflict of interest arising under Section 112.313(7)(a), Florida Statutes. An effective waiver requires two-thirds vote of the Commission after disclosure of the conflicting relationship (Motion B) in accordance with Section 112.313(12), Florida Statutes. Forms 4A, Disclosure of Business Transaction, Relationship, or Interest, are attached to this report as Exhibit 3 and constitute full disclosure of any existing conflict.

Source of Additional Information

Keith D. Bostick, Deputy Director, Human Services Department, (954) 357-6385

Silvia Beebe, Assistant Director, Community Partnerships Division, (954) 357-6396

Fiscal Impact

Fiscal Impact/Cost Summary

There is no fiscal impact to Broward County because state, county, or municipal funds may not be used to operate an exchange program per Section 381.0038, Florida Statutes.