



# Broward County

## Legislation Text

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File #: 21-833, Version: 1

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### **Broward County Commission Regular Meeting**

**Director's Name:** Keith D. Bostick (Deputy Director)

**Department:** Human Services

**Division:** Community Partnerships

### **Information**

#### **Requested Action**

A. MOTION TO AUTHORIZE County Administrator to execute no-cost Agreement, subject to review for legal sufficiency by the Office of the County Attorney between Broward County and Care Resource Community Health Centers Incorporated, d/b/a Care Resource to operate the Broward County Safe Syringe Exchange Program, effective upon execution through September 30, 2021, with four additional renewal terms; authorize the County Administrator to execute amendments to the Agreement, subject to review for legal sufficiency by the Office of the County Attorney, and to take all necessary administrative and budgetary actions to implement the Agreement.

***ACTION: (T-11:24 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: Rick Siclari.

***ACTION: (T-11:24 AM) Approved.***

***VOTE: 9-0.***

#### **Why Action is Necessary**

A. Broward County Board of County Commissioners ("Commission") approval is required for agreements with external agencies.

B. A waiver of conflict arising under Section 112.313(7)(a), Florida Statutes, requires two-thirds approval by the Board in accordance with Section 112.313(12), Florida Statutes.

#### **What Action Accomplishes**

A. The County Commission is required to approve an operator for The Broward County Safe Syringe Exchange Program ("Exchange") in accordance with state law and Section 15-13, Broward County Code of Ordinances.

B. Approval 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." The Exchange provides sterile needles and syringes in exchange for used needles and syringes.

On June 27, 2019, Florida Governor Ron DeSantis signed the Infectious Disease Elimination Act ("IDEA"), which allowed county commissions to authorize needle and syringe exchange programs for intravenous drug users. State, county, or municipal funds may not be used to operate an exchange program per Section 381.0038, Florida Statutes.

On October 24, 2019, the Broward County Human Services Department ("HSD") convened a meeting with local stakeholders to establish the Broward County IDEA Syringe Exchange Stakeholders Group ("Group"), that provides advice, consultation, and recommendations, as well as identifies the operator for the Exchange. Subsequently, the Group met periodically to discuss and develop guidelines and implementation strategies. United Way of Broward County has committed \$65,000 for the next three years toward this project; County funds can not be used for this program.

On December 3, 2019 (Item No. 72), the Commission authorized the Exchange, 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 January 25, 2021, the HSD issued a Request for Applications for an entity to operate the Exchange in Broward County. On April 2, 2021, the Group reviewed the single application submitted and supported the recommendation of Care Resource as the Exchange operator.

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 C) in accordance with Section 112.313(12), Florida Statutes. Form 4A, Disclosure of Business Transaction, Relationship, or Interest, is attached to this report as Exhibit 1 and constitutes full disclosure of any existing conflict.

**Source of Additional Information**

Darrell Cunningham, Director, Community Partnerships Division, (954) 357-6398  
Juanita Gonzalez-Charlot, Administrator, Health Care Services Section, (954) 357-5394

**Fiscal Impact**

**Fiscal Impact/Cost Summary**

None.