

1 A bill to be entitled
2 An act relating to substance abuse services; amending
3 s. 397.311, F.S.; providing definitions; conforming a
4 cross-reference; creating s. 397.487, F.S.; providing
5 legislative findings and intent; requiring the
6 Department of Children and Families to create a
7 voluntary certification program for recovery
8 residences; directing the department to approve at
9 least one credentialing entity by a specified date to
10 develop and administer the certification program;
11 requiring an approved credentialing entity to
12 establish procedures for certifying recovery
13 residences that meet certain qualifications; requiring
14 an approved credentialing entity to establish certain
15 fees; requiring a credentialing entity to conduct
16 onsite inspections of a recovery residence; requiring
17 background screening of owners, directors, and chief
18 financial officers of a recovery residence; providing
19 for denial, suspension, or revocation of
20 certification; providing a criminal penalty for
21 falsely advertising a recovery residence as a
22 "certified recovery residence"; creating s. 397.4871,
23 F.S.; providing legislative intent; requiring the
24 department to create a voluntary certification program
25 for recovery residence administrators; directing the
26 department to approve at least one credentialing

27 | entity by a specified date to develop and administer
28 | the certification program; requiring an approved
29 | credentialing entity to establish a process for
30 | certifying recovery residence administrators who meet
31 | certain qualifications; requiring an approved
32 | credentialing entity to establish certain fees;
33 | requiring background screening of applicants for
34 | recovery residence administrator certification;
35 | providing for suspension or revocation of
36 | certification; providing a criminal penalty for
37 | falsely advertising oneself as a "certified recovery
38 | residence administrator"; creating s. 397.4872, F.S.;
39 | providing exemptions from disqualifying offenses;
40 | requiring credentialing entities to provide the
41 | department with a list of all certified recovery
42 | residences and recovery residence administrators by a
43 | date certain; requiring the department to publish the
44 | list on its website; allowing recovery residences and
45 | recovery residence administrators to be excluded from
46 | the list upon written request to the department;
47 | amending s. 397.407, F.S.; providing conditions for a
48 | licensed service provider to refer patients to a
49 | certified recovery residence or a recovery residence
50 | owned and operated by the licensed service provider;
51 | defining the term "refer"; amending ss. 212.055,
52 | 394.9085, 397.405, 397.416, and 440.102, F.S.;

53 conforming cross-references; providing an effective
 54 date.

55

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

57

58 Section 1. Subsections (4) and (5), subsections (6)
 59 through (28), and subsections (29) through (39) of section
 60 397.311, Florida Statutes, are renumbered as subsections (7) and
 61 (8), subsections (10) through (32), and subsections (35) through
 62 (45), respectively, present subsections (7) and (32) are
 63 amended, and new subsections (4), (5), (6), (9), (33), and (34)
 64 are added to that section, to read:

65 397.311 Definitions.—As used in this chapter, except part
 66 VIII, the term:

67 (4) "Certificate of compliance" means a certificate that
 68 is issued by a credentialing entity to a recovery residence or a
 69 recovery residence administrator.

70 (5) "Certified recovery residence" means a recovery
 71 residence that holds a valid certificate of compliance or that
 72 is actively managed by a certified recovery residence
 73 administrator.

74 (6) "Certified recovery residence administrator" means a
 75 recovery residence administrator who holds a valid certificate
 76 of compliance.

77 (9) "Credentialing entity" means a nonprofit organization
 78 that develops and administers professional, facility, or

79 organization certification programs according to applicable
80 nationally recognized certification or psychometric standards.

81 ~~(11)-(7)~~ "Director" means the chief administrative or
82 executive officer of a service provider or recovery residence.

83 (33) "Recovery residence" means a residential dwelling
84 unit, or other form of group housing, that is offered or
85 advertised through any means, including oral, written,
86 electronic, or printed means, by any person or entity as a
87 residence that provides a peer-supported, alcohol-free, and
88 drug-free living environment.

89 (34) "Recovery residence administrator" means the person
90 responsible for overall management of the recovery residence,
91 including, but not limited to, the supervision of residents and
92 staff employed by, or volunteering for, the residence.

93 ~~(38)-(32)~~ "Service component" or "component" means a
94 discrete operational entity within a service provider which is
95 subject to licensing as defined by rule. Service components
96 include prevention, intervention, and clinical treatment
97 described in subsection (22) ~~(18)~~.

98 Section 2. Section 397.487, Florida Statutes, is created
99 to read:

100 397.487 Voluntary certification of recovery residences.-

101 (1) The Legislature finds that a person suffering from
102 addiction has a higher success rate of achieving long-lasting
103 sobriety when given the opportunity to build a stronger
104 foundation by living in a recovery residence after completing

105 treatment. The Legislature further finds that this state and its
106 subdivisions have a legitimate state interest in protecting
107 these persons, who represent a vulnerable consumer population in
108 need of adequate housing. It is the intent of the Legislature to
109 protect persons who reside in a recovery residence.

110 (2) The department shall approve at least one
111 credentialing entity by December 1, 2015, for the purpose of
112 developing and administering a voluntary certification program
113 for recovery residences. The approved credentialing entity
114 shall:

115 (a) Establish recovery residence certification
116 requirements.

117 (b) Establish procedures to:

118 1. Administer the application, certification,
119 recertification, and disciplinary processes.

120 2. Monitor and inspect a recovery residence and its staff
121 to ensure compliance with certification requirements.

122 3. Interview and evaluate residents, employees, and
123 volunteer staff on their knowledge and application of
124 certification requirements.

125 (c) Provide training for owners, managers, and staff.

126 (d) Develop a code of ethics.

127 (e) Establish application, inspection, and annual
128 certification renewal fees. The application fee may not exceed
129 \$100. Any onsite inspection fee shall reflect actual costs for

130 inspections. The annual certification renewal fee may not exceed
131 \$100.

132 (3) A credentialing entity shall require the recovery
133 residence to submit the following documents with the completed
134 application and fee:

135 (a) A policy and procedures manual containing:

136 1. Job descriptions for all staff positions.

137 2. Drug-testing procedures and requirements.

138 3. A prohibition on the premises against alcohol, illegal
139 drugs, and the use of prescribed medications by an individual
140 other than the individual for whom the medication is prescribed.

141 4. Policies to support a resident's recovery efforts.

142 5. A good neighbor policy to address neighborhood concerns
143 and complaints.

144 (b) Rules for residents.

145 (c) Copies of all forms provided to residents.

146 (d) Intake procedures.

147 (e) Relapse policy.

148 (f) Fee schedule.

149 (g) Refund policy.

150 (h) Eviction procedures and policy.

151 (i) Code of ethics.

152 (j) Proof of insurance.

153 (k) Proof of background screening.

154 (l) Proof of satisfactory fire, safety, and health
155 inspections.

156 (4) Upon receiving a complete application, a credentialing
157 entity shall conduct an onsite inspection of the recovery
158 residence.

159 (5) All owners, directors, and chief financial officers of
160 an applicant recovery residence are subject to level 2
161 background screening as provided under chapter 435. The
162 department shall notify the credentialing entity of the results
163 of the background screenings. A credentialing entity shall deny
164 a recovery residence's application if any owner, director, or
165 chief financial officer has been found guilty of, or has entered
166 a plea of guilty or nolo contendere to, regardless of
167 adjudication, any offense listed in s. 435.04(2) unless the
168 department has issued an exemption under s. 397.4872.

169 (6) A credentialing entity shall issue a certificate of
170 compliance upon approval of the recovery residence's application
171 and inspection. The certification shall automatically terminate
172 1 year after issuance if not renewed.

173 (7) Onsite followup monitoring of a certified recovery
174 residence may be conducted by the credentialing entity to
175 determine continuing compliance with certification requirements.
176 The credentialing entity shall inspect each certified recovery
177 residence at least annually to ensure compliance.

178 (a) A credentialing entity may suspend or revoke a
179 certification if the recovery residence is not in compliance
180 with any provision of this section or has failed to remedy any
181 deficiency identified by the credentialing entity within the

182 time period specified.

183 (b) If any owner, director, or chief financial officer of
184 a certified recovery residence is arrested for or found guilty
185 of, or enters a plea of guilty or nolo contendere to, regardless
186 of adjudication, any offense listed in s. 435.04(2) while acting
187 in that capacity, the certified recovery residence shall
188 immediately remove the person from that position and shall
189 notify the credentialing entity within 3 business days after
190 such removal. The credentialing entity shall revoke the
191 certificate of compliance of a recovery residence that fails to
192 meet these requirements.

193 (c) A credentialing entity shall revoke a recovery
194 residence's certificate of compliance if the recovery residence
195 provides false or misleading information to the credentialing
196 entity at any time.

197 (8) A person may not advertise to the public, in any way
198 or by any medium whatsoever, any recovery residence as a
199 "certified recovery residence" unless such recovery residence
200 has first secured a certificate of compliance under this
201 section. A person who violates this subsection commits a
202 misdemeanor of the first degree, punishable as provided in s.
203 775.082 or s. 775.083.

204 Section 3. Section 397.4871, Florida Statutes, is created
205 to read:

206 397.4871 Recovery residence administrator certification.-

207 (1) It is the intent of the Legislature that a recovery
208 residence administrator voluntarily earn and maintain
209 certification from a credentialing entity approved by the
210 Department of Children and Families. The Legislature further
211 intends that certification ensure that an administrator has the
212 competencies necessary to appropriately respond to the needs of
213 residents, to maintain residence standards, and to meet
214 residence certification requirements.

215 (2) The department shall approve at least one
216 credentialing entity by December 1, 2015, for the purpose of
217 developing and administering a voluntary credentialing program
218 for administrators. The department shall approve any
219 credentialing entity that the department endorses pursuant to s.
220 397.321(16) if the credentialing entity also meets the
221 requirements of this section. The approved credentialing entity
222 shall:

223 (a) Establish recovery residence administrator core
224 competencies, certification requirements, testing instruments,
225 and recertification requirements according to nationally
226 recognized certification and psychometric standards.

227 (b) Establish a process to administer the certification
228 application, award, and maintenance processes.

229 (c) Develop and administer:

230 1. A code of ethics and disciplinary process.

231 2. Biennial continuing education requirements and annual
232 certification renewal requirements.

233 3. An education provider program to approve training
234 entities that are qualified to provide precertification training
235 to applicants and continuing education opportunities to
236 certified persons.

237 (3) A credentialing entity shall establish a certification
238 program that:

239 (a) Is established according to nationally recognized
240 certification and psychometric standards.

241 (b) Is directly related to the core competencies.

242 (c) Establishes minimum requirements in each of the
243 following categories:

244 1. Training.

245 2. On-the-job work experience.

246 3. Supervision.

247 4. Testing.

248 5. Biennial continuing education.

249 (d) Requires adherence to a code of ethics and provides
250 for a disciplinary process that applies to certified persons.

251 (e) Approves qualified training entities that provide
252 precertification training to applicants and continuing education
253 to certified recovery residence administrators. To avoid a
254 conflict of interest, a credentialing entity or its affiliate
255 may not deliver training to an applicant or continuing education
256 to a certificateholder.

257 (4) A credentialing entity shall establish application,
258 examination, and certification fees and an annual certification

259 renewal fee. The application, examination, and certification fee
260 may not exceed \$225. The annual certification renewal fee may
261 not exceed \$100.

262 (5) All applicants are subject to level 2 background
263 screening as provided under chapter 435. The department shall
264 notify the credentialing entity of the results of the background
265 screenings. A credentialing entity shall deny a person's
266 application if the applicant has been found guilty of, or has
267 entered a plea of guilty or nolo contendere to, regardless of
268 adjudication, any offense listed in s. 435.04(2) unless the
269 department has issued an exemption under s. 397.4872.

270 (6) The credentialing entity shall issue a certificate of
271 compliance upon approval of a person's application. The
272 certification shall automatically terminate 1 year after
273 issuance if not renewed.

274 (a) A credentialing entity may suspend or revoke the
275 recovery residence administrator's certificate of compliance if
276 the recovery residence administrator fails to adhere to the
277 continuing education requirements.

278 (b) If a certified recovery residence administrator of a
279 recovery residence is arrested for or found guilty of, or enters
280 a plea of guilty or nolo contendere to, regardless of
281 adjudication, any offense listed in s. 435.04(2) while acting in
282 that capacity, the recovery residence shall immediately remove
283 the person from that position and shall notify the credentialing
284 entity within 3 business days after such removal. The recovery

285 residence shall have 30 days to retain a certified recovery
 286 residence administrator. The credentialing entity shall revoke
 287 the certificate of compliance of any recovery residence that
 288 fails to meet these requirements.

289 (c) A credentialing entity shall revoke a recovery
 290 residence administrator's certificate of compliance if the
 291 recovery residence administrator provides false or misleading
 292 information to the credentialing entity at any time.

293 (7) A person may not advertise himself or herself to the
 294 public, in any way or by any medium whatsoever, as a "certified
 295 recovery residence administrator" unless he or she has first
 296 secured a certificate of compliance under this section. A person
 297 who violates this subsection commits a misdemeanor of the first
 298 degree, punishable as provided in s. 775.082 or s. 775.083.

299 (8) A certified recovery residence administrator may
 300 qualify a recovery residence for referrals under s. 397.407(11)
 301 if the certified recovery residence administrator:

302 (a) Registers the recovery residence he or she intends to
 303 qualify with the credentialing entity. The registration shall
 304 include:

305 1. The name and address of the recovery residence,
 306 including the fictitious name, if any, under which the recovery
 307 residence is doing business.

308 2. The names of the owners and any officers of the
 309 recovery residence.

310 (b) Submits an affidavit attesting that he or she is
 311 actively managing the recovery residence and that he or she is
 312 not using his or her recovery residence administrator's
 313 certification to qualify any additional recovery residences
 314 under this subsection.

315 (9) A certified recovery residence administrator must
 316 notify the credentialing entity within 3 business days after the
 317 termination of the certified recovery residence administrator's
 318 qualification of the recovery residence due to resignation or
 319 any other reason.

320 (10) A certified recovery residence administrator may only
 321 act as a qualifying agent for one recovery residence at any
 322 given time.

323 Section 4. Section 397.4872, Florida Statutes, is created
 324 to read:

325 397.4872 Exemption from disqualification; publication.—

326 (1) Individual exemptions to staff disqualification or
 327 administrator ineligibility may be requested if a recovery
 328 residence deems the decision will benefit the program. Requests
 329 for exemptions shall be submitted in writing to the department
 330 and include a justification for the exemption.

331 (2) The department may exempt a person from ss. 397.487(5)
 332 and 397.4871(5) if it has been at least 3 years since the person
 333 has completed or been lawfully released from confinement,
 334 supervision, or sanction for the disqualifying offense. An

335 exemption from the disqualifying offenses may not be given under
336 any circumstances for any person who is a:

337 (a) Sexual predator pursuant to s. 775.21;

338 (b) Career offender pursuant to s. 775.261; or

339 (c) Sexual offender pursuant to s. 943.0435, unless the
340 requirement to register as a sexual offender has been removed
341 pursuant to s. 943.04354.

342 (3) By April 1, 2016, a credentialing entity shall submit
343 a list to the department of all recovery residences and recovery
344 residence administrators certified by the credentialing entity
345 that hold a valid certificate of compliance. Thereafter, the
346 credentialing entity must notify the department within 3
347 business days after a new recovery residence or recovery
348 residence administrator is certified or a recovery residence or
349 recovery residence administrator's certificate expires or is
350 terminated. The department shall publish on its website a list
351 of all recovery residences that hold a valid certificate of
352 compliance or that have been qualified pursuant to s.
353 397.4871(8). The department shall also publish on its website a
354 list of all recovery residence administrators who hold a valid
355 certificate of compliance. A recovery residence or recovery
356 residence administrator shall be excluded from the list if the
357 recovery residence administrator submits a written request to
358 the department.

359 Section 5. Subsections (1) and (5) of section 397.407,
360 Florida Statutes, are amended, and subsection (11) is added to
361 that section, to read:

362 397.407 Licensure process; fees.—

363 (1) The department shall establish by rule the licensure
364 process to include fees and categories of licenses. The rule
365 must prescribe a fee range that is based, at least in part, on
366 the number and complexity of programs listed in s. 397.311(22)
367 ~~397.311(18)~~ which are operated by a licensee. The fees from the
368 licensure of service components are sufficient to cover at least
369 50 percent of the costs of regulating the service components.
370 The department shall specify by rule a fee range for public and
371 privately funded licensed service providers. Fees for privately
372 funded licensed service providers must exceed the fees for
373 publicly funded licensed service providers. During adoption of
374 the rule governing the licensure process and fees, the
375 department shall carefully consider the potential adverse impact
376 on small, not-for-profit service providers.

377 (5) The department may issue probationary, regular, and
378 interim licenses. After adopting the rule governing the
379 licensure process and fees, the department shall issue one
380 license for each service component that is operated by a service
381 provider and defined in rule pursuant to s. 397.311(22)
382 ~~397.311(18)~~. The license is valid only for the specific service
383 components listed for each specific location identified on the
384 license. The licensed service provider shall apply for a new

385 license at least 60 days before the addition of any service
386 components or 30 days before the relocation of any of its
387 service sites. Provision of service components or delivery of
388 services at a location not identified on the license may be
389 considered an unlicensed operation that authorizes the
390 department to seek an injunction against operation as provided
391 in s. 397.401, in addition to other sanctions authorized by s.
392 397.415. Probationary and regular licenses may be issued only
393 after all required information has been submitted. A license may
394 not be transferred. As used in this subsection, the term
395 "transfer" includes, but is not limited to, the transfer of a
396 majority of the ownership interest in the licensed entity or
397 transfer of responsibilities under the license to another entity
398 by contractual arrangement.

399 (11) Effective July 1, 2016, a service provider licensed
400 under this part may not refer a current or discharged patient to
401 a recovery residence unless the recovery residence holds a valid
402 certificate of compliance as provided in s. 397.487, is actively
403 managed by a certified recovery residence administrator as
404 provided in s. 397.4871, or both, or is owned and operated by a
405 licensed service provider or a licensed service provider's
406 wholly owned subsidiary. For purposes of this subsection, the
407 term "refer" means to inform a patient by any means about the
408 name, address, or other details of the recovery residence.
409 However, this subsection does not require a licensed service
410 provider to refer any patient to a recovery residence.

411 Section 6. Paragraph (e) of subsection (5) of section
412 212.055, Florida Statutes, is amended to read:

413 212.055 Discretionary sales surtaxes; legislative intent;
414 authorization and use of proceeds.—It is the legislative intent
415 that any authorization for imposition of a discretionary sales
416 surtax shall be published in the Florida Statutes as a
417 subsection of this section, irrespective of the duration of the
418 levy. Each enactment shall specify the types of counties
419 authorized to levy; the rate or rates which may be imposed; the
420 maximum length of time the surtax may be imposed, if any; the
421 procedure which must be followed to secure voter approval, if
422 required; the purpose for which the proceeds may be expended;
423 and such other requirements as the Legislature may provide.
424 Taxable transactions and administrative procedures shall be as
425 provided in s. 212.054.

426 (5) COUNTY PUBLIC HOSPITAL SURTAX.—Any county as defined
427 in s. 125.011(1) may levy the surtax authorized in this
428 subsection pursuant to an ordinance either approved by
429 extraordinary vote of the county commission or conditioned to
430 take effect only upon approval by a majority vote of the
431 electors of the county voting in a referendum. In a county as
432 defined in s. 125.011(1), for the purposes of this subsection,
433 "county public general hospital" means a general hospital as
434 defined in s. 395.002 which is owned, operated, maintained, or
435 governed by the county or its agency, authority, or public
436 health trust.

437 (e) A governing board, agency, or authority shall be
438 chartered by the county commission upon this act becoming law.
439 The governing board, agency, or authority shall adopt and
440 implement a health care plan for indigent health care services.
441 The governing board, agency, or authority shall consist of no
442 more than seven and no fewer than five members appointed by the
443 county commission. The members of the governing board, agency,
444 or authority shall be at least 18 years of age and residents of
445 the county. No member may be employed by or affiliated with a
446 health care provider or the public health trust, agency, or
447 authority responsible for the county public general hospital.
448 The following community organizations shall each appoint a
449 representative to a nominating committee: the South Florida
450 Hospital and Healthcare Association, the Miami-Dade County
451 Public Health Trust, the Dade County Medical Association, the
452 Miami-Dade County Homeless Trust, and the Mayor of Miami-Dade
453 County. This committee shall nominate between 10 and 14 county
454 citizens for the governing board, agency, or authority. The
455 slate shall be presented to the county commission and the county
456 commission shall confirm the top five to seven nominees,
457 depending on the size of the governing board. Until such time as
458 the governing board, agency, or authority is created, the funds
459 provided for in subparagraph (d)2. shall be placed in a
460 restricted account set aside from other county funds and not
461 disbursed by the county for any other purpose.

462 1. The plan shall divide the county into a minimum of four

463 and maximum of six service areas, with no more than one
464 participant hospital per service area. The county public general
465 hospital shall be designated as the provider for one of the
466 service areas. Services shall be provided through participants'
467 primary acute care facilities.

468 2. The plan and subsequent amendments to it shall fund a
469 defined range of health care services for both indigent persons
470 and the medically poor, including primary care, preventive care,
471 hospital emergency room care, and hospital care necessary to
472 stabilize the patient. For the purposes of this section,
473 "stabilization" means stabilization as defined in s. 397.311(41)
474 ~~397.311(35)~~. Where consistent with these objectives, the plan
475 may include services rendered by physicians, clinics, community
476 hospitals, and alternative delivery sites, as well as at least
477 one regional referral hospital per service area. The plan shall
478 provide that agreements negotiated between the governing board,
479 agency, or authority and providers shall recognize hospitals
480 that render a disproportionate share of indigent care, provide
481 other incentives to promote the delivery of charity care to draw
482 down federal funds where appropriate, and require cost
483 containment, including, but not limited to, case management.
484 From the funds specified in subparagraphs (d)1. and 2. for
485 indigent health care services, service providers shall receive
486 reimbursement at a Medicaid rate to be determined by the
487 governing board, agency, or authority created pursuant to this
488 paragraph for the initial emergency room visit, and a per-member

489 per-month fee or capitation for those members enrolled in their
490 service area, as compensation for the services rendered
491 following the initial emergency visit. Except for provisions of
492 emergency services, upon determination of eligibility,
493 enrollment shall be deemed to have occurred at the time services
494 were rendered. The provisions for specific reimbursement of
495 emergency services shall be repealed on July 1, 2001, unless
496 otherwise reenacted by the Legislature. The capitation amount or
497 rate shall be determined prior to program implementation by an
498 independent actuarial consultant. In no event shall such
499 reimbursement rates exceed the Medicaid rate. The plan must also
500 provide that any hospitals owned and operated by government
501 entities on or after the effective date of this act must, as a
502 condition of receiving funds under this subsection, afford
503 public access equal to that provided under s. 286.011 as to any
504 meeting of the governing board, agency, or authority the subject
505 of which is budgeting resources for the retention of charity
506 care, as that term is defined in the rules of the Agency for
507 Health Care Administration. The plan shall also include
508 innovative health care programs that provide cost-effective
509 alternatives to traditional methods of service and delivery
510 funding.

511 3. The plan's benefits shall be made available to all
512 county residents currently eligible to receive health care
513 services as indigents or medically poor as defined in paragraph
514 (4) (d).

515 4. Eligible residents who participate in the health care
 516 plan shall receive coverage for a period of 12 months or the
 517 period extending from the time of enrollment to the end of the
 518 current fiscal year, per enrollment period, whichever is less.

519 5. At the end of each fiscal year, the governing board,
 520 agency, or authority shall prepare an audit that reviews the
 521 budget of the plan, delivery of services, and quality of
 522 services, and makes recommendations to increase the plan's
 523 efficiency. The audit shall take into account participant
 524 hospital satisfaction with the plan and assess the amount of
 525 poststabilization patient transfers requested, and accepted or
 526 denied, by the county public general hospital.

527 Section 7. Subsection (6) of section 394.9085, Florida
 528 Statutes, is amended to read:

529 394.9085 Behavioral provider liability.—

530 (6) For purposes of this section, the terms
 531 "detoxification services," "addictions receiving facility," and
 532 "receiving facility" have the same meanings as those provided in
 533 ss. 397.311(22)(a)4. ~~397.311(18)(a)4.~~, 397.311(22)(a)1.
 534 ~~397.311(18)(a)1.~~, and 394.455(26), respectively.

535 Section 8. Subsection (8) of section 397.405, Florida
 536 Statutes, is amended to read:

537 397.405 Exemptions from licensure.—The following are
 538 exempt from the licensing provisions of this chapter:

539 (8) A legally cognizable church or nonprofit religious
 540 organization or denomination providing substance abuse services,

541 including prevention services, which are solely religious,
542 spiritual, or ecclesiastical in nature. A church or nonprofit
543 religious organization or denomination providing any of the
544 licensed service components itemized under s. 397.311(22)
545 ~~397.311(18)~~ is not exempt from substance abuse licensure but
546 retains its exemption with respect to all services which are
547 solely religious, spiritual, or ecclesiastical in nature.

548

549 The exemptions from licensure in this section do not apply to
550 any service provider that receives an appropriation, grant, or
551 contract from the state to operate as a service provider as
552 defined in this chapter or to any substance abuse program
553 regulated pursuant to s. 397.406. Furthermore, this chapter may
554 not be construed to limit the practice of a physician or
555 physician assistant licensed under chapter 458 or chapter 459, a
556 psychologist licensed under chapter 490, a psychotherapist
557 licensed under chapter 491, or an advanced registered nurse
558 practitioner licensed under part I of chapter 464, who provides
559 substance abuse treatment, so long as the physician, physician
560 assistant, psychologist, psychotherapist, or advanced registered
561 nurse practitioner does not represent to the public that he or
562 she is a licensed service provider and does not provide services
563 to individuals pursuant to part V of this chapter. Failure to
564 comply with any requirement necessary to maintain an exempt
565 status under this section is a misdemeanor of the first degree,
566 punishable as provided in s. 775.082 or s. 775.083.

567 Section 9. Section 397.416, Florida Statutes, is amended
568 to read:

569 397.416 Substance abuse treatment services; qualified
570 professional.—Notwithstanding any other provision of law, a
571 person who was certified through a certification process
572 recognized by the former Department of Health and Rehabilitative
573 Services before January 1, 1995, may perform the duties of a
574 qualified professional with respect to substance abuse treatment
575 services as defined in this chapter, and need not meet the
576 certification requirements contained in s. 397.311(30)
577 ~~397.311(26)~~.

578 Section 10. Paragraphs (d) and (g) of subsection (1) of
579 section 440.102, Florida Statutes, are amended to read:

580 440.102 Drug-free workplace program requirements.—The
581 following provisions apply to a drug-free workplace program
582 implemented pursuant to law or to rules adopted by the Agency
583 for Health Care Administration:

584 (1) DEFINITIONS.—Except where the context otherwise
585 requires, as used in this act:

586 (d) "Drug rehabilitation program" means a service
587 provider, established pursuant to s. 397.311(39) ~~397.311(33)~~,
588 that provides confidential, timely, and expert identification,
589 assessment, and resolution of employee drug abuse.

590 (g) "Employee assistance program" means an established
591 program capable of providing expert assessment of employee
592 personal concerns; confidential and timely identification

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593 services with regard to employee drug abuse; referrals of
594 employees for appropriate diagnosis, treatment, and assistance;
595 and followup services for employees who participate in the
596 program or require monitoring after returning to work. If, in
597 addition to the above activities, an employee assistance program
598 provides diagnostic and treatment services, these services shall
599 in all cases be provided by service providers pursuant to s.
600 397.311(39) ~~397.311(33)~~.

601 Section 11. This act shall take effect July 1, 2015.