

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 and is
72 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) Sexual predator and sexual offender registry
148 compliance policy.

149 (f) Relapse policy.

150 (g) Fee schedule.

151 (h) Refund policy.

152 (i) Eviction procedures and policy.

153 (j) Code of ethics.

154 (k) Proof of insurance.

155 (l) Proof of background screening.

156 (m) Proof of satisfactory fire, safety, and health
157 inspections.

158 (4) A certified recovery residence must be actively
159 managed by a certified recovery residence administrator. All
160 applications for certification must include the name of the
161 certified recovery residence administrator who will be actively
162 managing the applicant recovery residence.

163 (5) Upon receiving a complete application, a credentialing
164 entity shall conduct an onsite inspection of the recovery
165 residence.

166 (6) All owners, directors, and chief financial officers of
167 an applicant recovery residence are subject to level 2
168 background screening as provided under chapter 435. A recovery
169 residence is ineligible for certification, and a credentialing
170 entity shall deny a recovery residence's application, if any
171 owner, director, or chief financial officer has been found
172 guilty of, or has entered a plea of guilty or nolo contendere
173 to, regardless of adjudication, any offense listed in s.
174 435.04(2) unless the department has issued an exemption under s.
175 397.4872. In accordance with s. 435.04, the department shall
176 notify the credentialing agency of an owner's, director's, or
177 chief financial officer's eligibility based on the results of
178 his or her background screening.

179 (7) A credentialing entity shall issue a certificate of
180 compliance upon approval of the recovery residence's application
181 and inspection. The certification shall automatically terminate

182 1 year after issuance if not renewed.

183 (8) Onsite followup monitoring of a certified recovery
184 residence may be conducted by the credentialing entity to
185 determine continuing compliance with certification requirements.
186 The credentialing entity shall inspect each certified recovery
187 residence at least annually to ensure compliance.

188 (a) A credentialing entity may suspend or revoke a
189 certification if the recovery residence is not in compliance
190 with any provision of this section or has failed to remedy any
191 deficiency identified by the credentialing entity within the
192 time period specified.

193 (b) A certified recovery residence must notify the
194 credentialing entity within 3 business days after the removal of
195 the recovery residence's certified recovery residence
196 administrator due to termination, resignation, or any other
197 reason. The recovery residence has 30 days to retain a certified
198 recovery residence administrator. The credentialing entity shall
199 revoke the certificate of compliance of any recovery residence
200 that fails to comply with this paragraph.

201 (c) If any owner, director, or chief financial officer of
202 a certified recovery residence is arrested for or found guilty
203 of, or enters a plea of guilty or nolo contendere to, regardless
204 of adjudication, any offense listed in s. 435.04(2) while acting
205 in that capacity, the certified recovery residence shall
206 immediately remove the person from that position and shall
207 notify the credentialing entity within 3 business days after

208 such removal. The credentialing entity shall revoke the
209 certificate of compliance of a recovery residence that fails to
210 meet these requirements.

211 (d) A credentialing entity shall revoke a recovery
212 residence's certificate of compliance if the recovery residence
213 provides false or misleading information to the credentialing
214 entity at any time.

215 (9) A person may not advertise to the public, in any way
216 or by any medium whatsoever, any recovery residence as a
217 "certified recovery residence" unless such recovery residence
218 has first secured a certificate of compliance under this
219 section. A person who violates this subsection commits a
220 misdemeanor of the first degree, punishable as provided in s.
221 775.082 or s. 775.083.

222 Section 3. Section 397.4871, Florida Statutes, is created
223 to read:

224 397.4871 Recovery residence administrator certification.-

225 (1) It is the intent of the Legislature that a recovery
226 residence administrator voluntarily earn and maintain
227 certification from a credentialing entity approved by the
228 Department of Children and Families. The Legislature further
229 intends that certification ensure that an administrator has the
230 competencies necessary to appropriately respond to the needs of
231 residents, to maintain residence standards, and to meet
232 residence certification requirements.

233 (2) The department shall approve at least one
234 credentialing entity by December 1, 2015, for the purpose of
235 developing and administering a voluntary credentialing program
236 for administrators. The department shall approve any
237 credentialing entity that the department endorses pursuant to s.
238 397.321(16) if the credentialing entity also meets the
239 requirements of this section. The approved credentialing entity
240 shall:

241 (a) Establish recovery residence administrator core
242 competencies, certification requirements, testing instruments,
243 and recertification requirements.

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

246 (c) Develop and administer:

247 1. A code of ethics and disciplinary process.

248 2. Biennial continuing education requirements and annual
249 certification renewal requirements.

250 3. An education provider program to approve training
251 entities that are qualified to provide precertification training
252 to applicants and continuing education opportunities to
253 certified persons.

254 (3) A credentialing entity shall establish a certification
255 program that:

256 (a) Is directly related to the core competencies.

257 (b) Establishes minimum requirements in each of the
258 following categories:

259 1. Training.
 260 2. On-the-job work experience.
 261 3. Supervision.
 262 4. Testing.
 263 5. Biennial continuing education.
 264 (c) Requires adherence to a code of ethics and provides
 265 for a disciplinary process that applies to certified persons.
 266 (d) Approves qualified training entities that provide
 267 precertification training to applicants and continuing education
 268 to certified recovery residence administrators. To avoid a
 269 conflict of interest, a credentialing entity or its affiliate
 270 may not deliver training to an applicant or continuing education
 271 to a certificateholder.
 272 (4) A credentialing entity shall establish application,
 273 examination, and certification fees and an annual certification
 274 renewal fee. The application, examination, and certification fee
 275 may not exceed \$225. The annual certification renewal fee may
 276 not exceed \$100.
 277 (5) All applicants are subject to level 2 background
 278 screening as provided under chapter 435. An applicant is
 279 ineligible, and a credentialing entity shall deny the
 280 application, if the applicant has been found guilty of, or has
 281 entered a plea of guilty or nolo contendere to, regardless of
 282 adjudication, any offense listed in s. 435.04(2) unless the
 283 department has issued an exemption under s. 397.4872. In
 284 accordance with s. 435.04, the department shall notify the

285 credentialing agency of the applicant's eligibility based on the
286 results of his or her background screening.

287 (6) The credentialing entity shall issue a certificate of
288 compliance upon approval of a person's application. The
289 certification shall automatically terminate 1 year after
290 issuance if not renewed.

291 (a) A credentialing entity may suspend or revoke the
292 recovery residence administrator's certificate of compliance if
293 the recovery residence administrator fails to adhere to the
294 continuing education requirements.

295 (b) If a certified recovery residence administrator of a
296 recovery residence is arrested for or found guilty of, or enters
297 a plea of guilty or nolo contendere to, regardless of
298 adjudication, any offense listed in s. 435.04(2) while acting in
299 that capacity, the recovery residence shall immediately remove
300 the person from that position and shall notify the credentialing
301 entity within 3 business days after such removal. The recovery
302 residence shall have 30 days to retain a certified recovery
303 residence administrator. The credentialing entity shall revoke
304 the certificate of compliance of any recovery residence that
305 fails to meet these requirements.

306 (c) A credentialing entity shall revoke a recovery
307 residence administrator's certificate of compliance if the
308 recovery residence administrator provides false or misleading
309 information to the credentialing entity at any time.

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

316 (8) A certified recovery residence administrator may
317 actively manage no more than three recovery residences at any
318 given time.

319 Section 4. Section 397.4872, Florida Statutes, is created
320 to read:

321 397.4872 Exemption from disqualification; publication.—

322 (1) Individual exemptions to staff disqualification or
323 administrator ineligibility may be requested if a recovery
324 residence deems the decision will benefit the program. Requests
325 for exemptions must be submitted in writing to the department
326 within 20 days after the denial by the credentialing entity and
327 must include a justification for the exemption.

328 (2) The department may exempt a person from ss. 397.487(6)
329 and 397.4871(5) if it has been at least 3 years since the person
330 has completed or been lawfully released from confinement,
331 supervision, or sanction for the disqualifying offense. An
332 exemption from the disqualifying offenses may not be given under
333 any circumstances for any person who is a:

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

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

336 (c) Sexual offender pursuant to s. 943.0435, unless the
337 requirement to register as a sexual offender has been removed
338 pursuant to s. 943.04354.

339 (3) By April 1, 2016, each credentialing entity shall
340 submit a list to the department of all recovery residences and
341 recovery residence administrators certified by the credentialing
342 entity that hold a valid certificate of compliance. Thereafter,
343 the credentialing entity must notify the department within 3
344 business days after a new recovery residence or recovery
345 residence administrator is certified or a recovery residence or
346 recovery residence administrator's certificate expires or is
347 terminated. The department shall publish on its website a list
348 of all recovery residences that hold a valid certificate of
349 compliance. The department shall also publish on its website a
350 list of all recovery residence administrators who hold a valid
351 certificate of compliance. A recovery residence or recovery
352 residence administrator shall be excluded from the list upon
353 written request to the department by the listed individual or
354 entity.

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

358 397.407 Licensure process; fees.—

359 (1) The department shall establish by rule the licensure
360 process to include fees and categories of licenses. The rule
361 must prescribe a fee range that is based, at least in part, on

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

373 (5) The department may issue probationary, regular, and
374 interim licenses. After adopting the rule governing the
375 licensure process and fees, the department shall issue one
376 license for each service component that is operated by a service
377 provider and defined in rule pursuant to s. 397.311(22)
378 ~~397.311(18)~~. The license is valid only for the specific service
379 components listed for each specific location identified on the
380 license. The licensed service provider shall apply for a new
381 license at least 60 days before the addition of any service
382 components or 30 days before the relocation of any of its
383 service sites. Provision of service components or delivery of
384 services at a location not identified on the license may be
385 considered an unlicensed operation that authorizes the
386 department to seek an injunction against operation as provided
387 in s. 397.401, in addition to other sanctions authorized by s.

388 397.415. Probationary and regular licenses may be issued only
389 after all required information has been submitted. A license may
390 not be transferred. As used in this subsection, the term
391 "transfer" includes, but is not limited to, the transfer of a
392 majority of the ownership interest in the licensed entity or
393 transfer of responsibilities under the license to another entity
394 by contractual arrangement.

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

407 Section 6. Paragraph (e) of subsection (5) of section
408 212.055, Florida Statutes, is amended to read:

409 212.055 Discretionary sales surtaxes; legislative intent;
410 authorization and use of proceeds.—It is the legislative intent
411 that any authorization for imposition of a discretionary sales
412 surtax shall be published in the Florida Statutes as a
413 subsection of this section, irrespective of the duration of the

414 levy. Each enactment shall specify the types of counties
 415 authorized to levy; the rate or rates which may be imposed; the
 416 maximum length of time the surtax may be imposed, if any; the
 417 procedure which must be followed to secure voter approval, if
 418 required; the purpose for which the proceeds may be expended;
 419 and such other requirements as the Legislature may provide.
 420 Taxable transactions and administrative procedures shall be as
 421 provided in s. 212.054.

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

433 (e) A governing board, agency, or authority shall be
 434 chartered by the county commission upon this act becoming law.
 435 The governing board, agency, or authority shall adopt and
 436 implement a health care plan for indigent health care services.
 437 The governing board, agency, or authority shall consist of no
 438 more than seven and no fewer than five members appointed by the
 439 county commission. The members of the governing board, agency,

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

458 1. The plan shall divide the county into a minimum of four
 459 and maximum of six service areas, with no more than one
 460 participant hospital per service area. The county public general
 461 hospital shall be designated as the provider for one of the
 462 service areas. Services shall be provided through participants'
 463 primary acute care facilities.

464 2. The plan and subsequent amendments to it shall fund a
 465 defined range of health care services for both indigent persons

466 and the medically poor, including primary care, preventive care,
467 hospital emergency room care, and hospital care necessary to
468 stabilize the patient. For the purposes of this section,
469 "stabilization" means stabilization as defined in s. 397.311(41)
470 ~~397.311(35)~~. Where consistent with these objectives, the plan
471 may include services rendered by physicians, clinics, community
472 hospitals, and alternative delivery sites, as well as at least
473 one regional referral hospital per service area. The plan shall
474 provide that agreements negotiated between the governing board,
475 agency, or authority and providers shall recognize hospitals
476 that render a disproportionate share of indigent care, provide
477 other incentives to promote the delivery of charity care to draw
478 down federal funds where appropriate, and require cost
479 containment, including, but not limited to, case management.
480 From the funds specified in subparagraphs (d)1. and 2. for
481 indigent health care services, service providers shall receive
482 reimbursement at a Medicaid rate to be determined by the
483 governing board, agency, or authority created pursuant to this
484 paragraph for the initial emergency room visit, and a per-member
485 per-month fee or capitation for those members enrolled in their
486 service area, as compensation for the services rendered
487 following the initial emergency visit. Except for provisions of
488 emergency services, upon determination of eligibility,
489 enrollment shall be deemed to have occurred at the time services
490 were rendered. The provisions for specific reimbursement of
491 emergency services shall be repealed on July 1, 2001, unless

492 otherwise reenacted by the Legislature. The capitation amount or
493 rate shall be determined prior to program implementation by an
494 independent actuarial consultant. In no event shall such
495 reimbursement rates exceed the Medicaid rate. The plan must also
496 provide that any hospitals owned and operated by government
497 entities on or after the effective date of this act must, as a
498 condition of receiving funds under this subsection, afford
499 public access equal to that provided under s. 286.011 as to any
500 meeting of the governing board, agency, or authority the subject
501 of which is budgeting resources for the retention of charity
502 care, as that term is defined in the rules of the Agency for
503 Health Care Administration. The plan shall also include
504 innovative health care programs that provide cost-effective
505 alternatives to traditional methods of service and delivery
506 funding.

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

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

515 5. At the end of each fiscal year, the governing board,
516 agency, or authority shall prepare an audit that reviews the
517 budget of the plan, delivery of services, and quality of

518 services, and makes recommendations to increase the plan's
519 efficiency. The audit shall take into account participant
520 hospital satisfaction with the plan and assess the amount of
521 poststabilization patient transfers requested, and accepted or
522 denied, by the county public general hospital.

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

525 394.9085 Behavioral provider liability.—

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

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

533 397.405 Exemptions from licensure.—The following are
534 exempt from the licensing provisions of this chapter:

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

544
545 The exemptions from licensure in this section do not apply to
546 any service provider that receives an appropriation, grant, or
547 contract from the state to operate as a service provider as
548 defined in this chapter or to any substance abuse program
549 regulated pursuant to s. 397.406. Furthermore, this chapter may
550 not be construed to limit the practice of a physician or
551 physician assistant licensed under chapter 458 or chapter 459, a
552 psychologist licensed under chapter 490, a psychotherapist
553 licensed under chapter 491, or an advanced registered nurse
554 practitioner licensed under part I of chapter 464, who provides
555 substance abuse treatment, so long as the physician, physician
556 assistant, psychologist, psychotherapist, or advanced registered
557 nurse practitioner does not represent to the public that he or
558 she is a licensed service provider and does not provide services
559 to individuals pursuant to part V of this chapter. Failure to
560 comply with any requirement necessary to maintain an exempt
561 status under this section is a misdemeanor of the first degree,
562 punishable as provided in s. 775.082 or s. 775.083.

563 Section 9. Section 397.416, Florida Statutes, is amended
564 to read:

565 397.416 Substance abuse treatment services; qualified
566 professional.—Notwithstanding any other provision of law, a
567 person who was certified through a certification process
568 recognized by the former Department of Health and Rehabilitative
569 Services before January 1, 1995, may perform the duties of a

570 qualified professional with respect to substance abuse treatment
571 services as defined in this chapter, and need not meet the
572 certification requirements contained in s. 397.311(30)
573 ~~397.311(26)~~.

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

576 440.102 Drug-free workplace program requirements.—The
577 following provisions apply to a drug-free workplace program
578 implemented pursuant to law or to rules adopted by the Agency
579 for Health Care Administration:

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

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

586 (g) "Employee assistance program" means an established
587 program capable of providing expert assessment of employee
588 personal concerns; confidential and timely identification
589 services with regard to employee drug abuse; referrals of
590 employees for appropriate diagnosis, treatment, and assistance;
591 and followup services for employees who participate in the
592 program or require monitoring after returning to work. If, in
593 addition to the above activities, an employee assistance program
594 provides diagnostic and treatment services, these services shall
595 in all cases be provided by service providers pursuant to s.

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2015

596 | 397.311(39) ~~397.311(33)~~.

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