

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 21 (2015)

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

1 Committee/Subcommittee hearing bill: Health & Human Services  
2 Committee

3 Representative Hager offered the following:  
4

5 **Amendment**

6 Remove everything after the enacting clause and insert:

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

14 397.311 Definitions.—As used in this chapter, except part  
15 VIII, the term:

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16 (4) "Certificate of compliance" means a certificate that  
17 is issued by a credentialing entity to a recovery residence or a  
18 recovery residence administrator.

19 (5) "Certified recovery residence" means a recovery  
20 residence that holds a valid certificate of compliance and is  
21 actively managed by a certified recovery residence  
22 administrator.

23 (6) "Certified recovery residence administrator" means a  
24 recovery residence administrator who holds a valid certificate  
25 of compliance.

26 (9) "Credentialing entity" means a nonprofit organization  
27 that develops and administers professional, facility, or  
28 organization certification programs according to applicable  
29 nationally recognized certification or psychometric standards.

30 (11)~~(7)~~ "Director" means the chief administrative or  
31 executive officer of a service provider or recovery residence.

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

38 (34) "Recovery residence administrator" means the person  
39 responsible for overall management of the recovery residence,  
40 including, but not limited to, the supervision of residents and  
41 staff employed by, or volunteering for, the residence.

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42 (38)~~(32)~~ "Service component" or "component" means a  
43 discrete operational entity within a service provider which is  
44 subject to licensing as defined by rule. Service components  
45 include prevention, intervention, and clinical treatment  
46 described in subsection (22) ~~(18)~~.

47 Section 2. Section 397.487, Florida Statutes, is created  
48 to read:

49 397.487 Voluntary certification of recovery residences.—

50 (1) The Legislature finds that a person suffering from  
51 addiction has a higher success rate of achieving long-lasting  
52 sobriety when given the opportunity to build a stronger  
53 foundation by living in a recovery residence after completing  
54 treatment. The Legislature further finds that this state and its  
55 subdivisions have a legitimate state interest in protecting  
56 these persons, who represent a vulnerable consumer population in  
57 need of adequate housing. It is the intent of the Legislature to  
58 protect persons who reside in a recovery residence.

59 (2) The department shall approve at least one  
60 credentialing entity by December 1, 2015, for the purpose of  
61 developing and administering a voluntary certification program  
62 for recovery residences. The approved credentialing entity  
63 shall:

64 (a) Establish recovery residence certification  
65 requirements.

66 (b) Establish procedures to:

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- 67        1. Administer the application, certification,  
68 recertification, and disciplinary processes.
- 69        2. Monitor and inspect a recovery residence and its staff  
70 to ensure compliance with certification requirements.
- 71        3. Interview and evaluate residents, employees, and  
72 volunteer staff on their knowledge and application of  
73 certification requirements.
- 74            (c) Provide training for owners, managers, and staff.  
75            (d) Develop a code of ethics.  
76            (e) Establish application, inspection, and annual  
77 certification renewal fees. The application fee may not exceed  
78 \$100. Any onsite inspection fee shall reflect actual costs for  
79 inspections. The annual certification renewal fee may not exceed  
80 \$100.
- 81        (3) A credentialing entity shall require the recovery  
82 residence to submit the following documents with the completed  
83 application and fee:
- 84            (a) A policy and procedures manual containing:  
85                1. Job descriptions for all staff positions.  
86                2. Drug-testing procedures and requirements.  
87                3. A prohibition on the premises against alcohol, illegal  
88 drugs, and the use of prescribed medications by an individual  
89 other than the individual for whom the medication is prescribed.  
90                4. Policies to support a resident's recovery efforts.  
91                5. A good neighbor policy to address neighborhood concerns  
92 and complaints.

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93 (b) Rules for residents.

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

95 (d) Intake procedures.

96 (e) Sexual Offender/Predator Registry Compliance Policy.

97 (f) Relapse policy.

98 (g) Fee schedule.

99 (h) Refund policy.

100 (i) Eviction procedures and policy.

101 (j) Code of ethics.

102 (k) Proof of insurance.

103 (l) Proof of background screening.

104 (m) Proof of satisfactory fire, safety, and health  
105 inspections.

106 (4) A certified recovery residence must be actively managed  
107 by a certified recovery residence administrator. All  
108 applications for certification must include the name of the  
109 certified recovery residence administrator who will be actively  
110 managing the applicant recovery residence.

111 (5) Upon receiving a complete application, a credentialing  
112 entity shall conduct an onsite inspection of the recovery  
113 residence.

114 (6) All owners, directors, and chief financial officers of  
115 an applicant recovery residence are subject to level 2  
116 background screening as provided under chapter 435. A recovery  
117 residence is ineligible for certification, and a credentialing  
118 entity shall deny a recovery residence's application, if any

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119 owner, director, or chief financial officer has been found  
120 guilty of, or has entered a plea of guilty or nolo contendere  
121 to, regardless of adjudication, any offense listed in s.  
122 435.04(2) unless the department has issued an exemption under s.  
123 397.4872. In accordance with s. 435.04, the department shall  
124 notify the credentialing agency of an owner's, director's or  
125 chief financial officer's eligibility based on the results of a  
126 background screening.

127 (7) A credentialing entity shall issue a certificate of  
128 compliance upon approval of the recovery residence's application  
129 and inspection. The certification shall automatically terminate  
130 1 year after issuance if not renewed.

131 (8) Onsite followup monitoring of a certified recovery  
132 residence may be conducted by the credentialing entity to  
133 determine continuing compliance with certification requirements.  
134 The credentialing entity shall inspect each certified recovery  
135 residence at least annually to ensure compliance.

136 (a) A credentialing entity may suspend or revoke a  
137 certification if the recovery residence is not in compliance  
138 with any provision of this section or has failed to remedy any  
139 deficiency identified by the credentialing entity within the  
140 time period specified.

141 (b) A certified recovery residence must notify the  
142 credentialing entity within 3 business days of the removal of  
143 the recovery residence's certified recovery residence  
144 administrator due to termination, resignation or any other

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145 reason. The recovery residence shall have 30 days to retain a  
146 certified recovery residence administrator. The credentialing  
147 entity shall revoke the certificate of compliance of any  
148 recovery residence that fails to meet these requirements.

149 (c) If any owner, director, or chief financial officer of a  
150 certified recovery residence is arrested for or found guilty of,  
151 or enters a plea of guilty or nolo contendere to, regardless of  
152 adjudication, any offense listed in s. 435.04(2) while acting in  
153 that capacity, the certified recovery residence shall  
154 immediately remove the person from that position and shall  
155 notify the credentialing entity within 3 business days after  
156 such removal. The credentialing entity shall revoke the  
157 certificate of compliance of a recovery residence that fails to  
158 meet these requirements.

159 (d) A credentialing entity shall revoke a recovery  
160 residence's certificate of compliance if the recovery residence  
161 provides false or misleading information to the credentialing  
162 entity at any time.

163 (9) A person may not advertise to the public, in any way or  
164 by any medium whatsoever, any recovery residence as a "certified  
165 recovery residence" unless such recovery residence has first  
166 secured a certificate of compliance under this section. A person  
167 who violates this subsection commits a misdemeanor of the first  
168 degree, punishable as provided in s. 775.082 or s. 775.083.

169 Section 3. Section 397.4871, Florida Statutes, is created  
170 to read:

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171 397.4871 Recovery residence administrator certification.-

172 (1) It is the intent of the Legislature that a recovery  
173 residence administrator voluntarily earn and maintain  
174 certification from a credentialing entity approved by the  
175 Department of Children and Families. The Legislature further  
176 intends that certification ensure that an administrator has the  
177 competencies necessary to appropriately respond to the needs of  
178 residents, to maintain residence standards, and to meet  
179 residence certification requirements.

180 (2) The department shall approve at least one  
181 credentialing entity by December 1, 2015, for the purpose of  
182 developing and administering a voluntary credentialing program  
183 for administrators. The department shall approve any  
184 credentialing entity that the department endorses pursuant to s.  
185 397.321(16) if the credentialing entity also meets the  
186 requirements of this section. The approved credentialing entity  
187 shall:

188 (a) Establish recovery residence administrator core  
189 competencies, certification requirements, testing instruments,  
190 and recertification requirements.

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

193 (c) Develop and administer:

194 1. A code of ethics and disciplinary process.

195 2. Biennial continuing education requirements and annual  
196 certification renewal requirements.



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197 3. An education provider program to approve training  
198 entities that are qualified to provide precertification training  
199 to applicants and continuing education opportunities to  
200 certified persons.

201 (3) A credentialing entity shall establish a certification  
202 program that:

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

204 (b) Establishes minimum requirements in each of the  
205 following categories:

206 1. Training.

207 2. On-the-job work experience.

208 3. Supervision.

209 4. Testing.

210 5. Biennial continuing education.

211 (c) Requires adherence to a code of ethics and provides  
212 for a disciplinary process that applies to certified persons.

213 (d) Approves qualified training entities that provide  
214 precertification training to applicants and continuing education  
215 to certified recovery residence administrators. To avoid a  
216 conflict of interest, a credentialing entity or its affiliate  
217 may not deliver training to an applicant or continuing education  
218 to a certificateholder.

219 (4) A credentialing entity shall establish application,  
220 examination, and certification fees and an annual certification  
221 renewal fee. The application, examination, and certification fee

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222 may not exceed \$225. The annual certification renewal fee may  
223 not exceed \$100.

224 (5) All applicants are subject to level 2 background  
225 screening as provided under chapter 435. An applicant is  
226 ineligible, and a credentialing entity shall deny the  
227 application, if the applicant has been found guilty of, or has  
228 entered a plea of guilty or nolo contendere to, regardless of  
229 adjudication, any offense listed in s. 435.04(2) unless the  
230 department has issued an exemption under s. 397.4872. In  
231 accordance with s. 435.04, the department shall notify the  
232 credentialing agency of the applicant's eligibility based on the  
233 results of a background screening.

234 (6) The credentialing entity shall issue a certificate of  
235 compliance upon approval of a person's application. The  
236 certification shall automatically terminate 1 year after  
237 issuance if not renewed.

238 (a) A credentialing entity may suspend or revoke the  
239 recovery residence administrator's certificate of compliance if  
240 the recovery residence administrator fails to adhere to the  
241 continuing education requirements.

242 (b) If a certified recovery residence administrator of a  
243 recovery residence is arrested for or found guilty of, or enters  
244 a plea of guilty or nolo contendere to, regardless of  
245 adjudication, any offense listed in s. 435.04(2) while acting in  
246 that capacity, the recovery residence shall immediately remove  
247 the person from that position and shall notify the credentialing

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248 entity within 3 business days after such removal. The recovery  
249 residence shall have 30 days to retain a certified recovery  
250 residence administrator. The credentialing entity shall revoke  
251 the certificate of compliance of any recovery residence that  
252 fails to meet these requirements.

253 (c) A credentialing entity shall revoke a recovery  
254 residence administrator's certificate of compliance if the  
255 recovery residence administrator provides false or misleading  
256 information to the credentialing entity at any time.

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

263 (8) A certified recovery residence administrator may  
264 actively manage no more than three recovery residences at any  
265 given time.

266 Section 4. Section 397.4872, Florida Statutes, is created  
267 to read:

268 397.4872 Exemption from disqualification; publication.—

269 (1) Individual exemptions to staff disqualification or  
270 administrator ineligibility may be requested if a recovery  
271 residence deems the decision will benefit the program. Requests  
272 for exemptions shall be submitted in writing to the department

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273 within 20 days of the denial by the credentialing entity and  
274 must include a justification for the exemption.

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

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

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

283 (c) Sexual offender pursuant to s. 943.0435, unless the  
284 requirement to register as a sexual offender has been removed  
285 pursuant to s. 943.04354.

286 (3) By April 1, 2016, each credentialing entity shall  
287 submit a list to the department of all recovery residences and  
288 recovery residence administrators certified by the credentialing  
289 entity that hold a valid certificate of compliance. Thereafter,  
290 the credentialing entity must notify the department within 3  
291 business days after a new recovery residence or recovery  
292 residence administrator is certified or a recovery residence or  
293 recovery residence administrator's certificate expires or is  
294 terminated. The department shall publish on its website a list  
295 of all recovery residences that hold a valid certificate of  
296 compliance. The department shall also publish on its website a  
297 list of all recovery residence administrators who hold a valid  
298 certificate of compliance. A recovery residence or recovery

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299 residence administrator shall be excluded from the list upon  
300 written request to the department by the listed individual or  
301 entity.

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

305 397.407 Licensure process; fees.—

306 (1) The department shall establish by rule the licensure  
307 process to include fees and categories of licenses. The rule  
308 must prescribe a fee range that is based, at least in part, on  
309 the number and complexity of programs listed in s. 397.311(22)  
310 ~~397.311(18)~~ which are operated by a licensee. The fees from the  
311 licensure of service components are sufficient to cover at least  
312 50 percent of the costs of regulating the service components.  
313 The department shall specify by rule a fee range for public and  
314 privately funded licensed service providers. Fees for privately  
315 funded licensed service providers must exceed the fees for  
316 publicly funded licensed service providers. During adoption of  
317 the rule governing the licensure process and fees, the  
318 department shall carefully consider the potential adverse impact  
319 on small, not-for-profit service providers.

320 (5) The department may issue probationary, regular, and  
321 interim licenses. After adopting the rule governing the  
322 licensure process and fees, the department shall issue one  
323 license for each service component that is operated by a service  
324 provider and defined in rule pursuant to s. 397.311(22)

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325 ~~397.311(18)~~. The license is valid only for the specific service  
326 components listed for each specific location identified on the  
327 license. The licensed service provider shall apply for a new  
328 license at least 60 days before the addition of any service  
329 components or 30 days before the relocation of any of its  
330 service sites. Provision of service components or delivery of  
331 services at a location not identified on the license may be  
332 considered an unlicensed operation that authorizes the  
333 department to seek an injunction against operation as provided  
334 in s. 397.401, in addition to other sanctions authorized by s.  
335 397.415. Probationary and regular licenses may be issued only  
336 after all required information has been submitted. A license may  
337 not be transferred. As used in this subsection, the term  
338 "transfer" includes, but is not limited to, the transfer of a  
339 majority of the ownership interest in the licensed entity or  
340 transfer of responsibilities under the license to another entity  
341 by contractual arrangement.

342 (11) Effective July 1, 2016, a service provider licensed  
343 under this part may not refer a current or discharged patient to  
344 a recovery residence unless the recovery residence holds a valid  
345 certificate of compliance as provided in s. 397.487, and is  
346 actively managed by a certified recovery residence administrator  
347 as provided in s. 397.4871, or is owned and operated by a  
348 licensed service provider or a licensed service provider's  
349 wholly owned subsidiary. For purposes of this subsection, the  
350 term "refer" means to inform a patient by any means about the

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351 name, address, or other details of the recovery residence.  
352 However, this subsection does not require a licensed service  
353 provider to refer any patient to a recovery residence.

354 Section 6. Paragraph (e) of subsection (5) of section  
355 212.055, Florida Statutes, is amended to read:

356 212.055 Discretionary sales surtaxes; legislative intent;  
357 authorization and use of proceeds.—It is the legislative intent  
358 that any authorization for imposition of a discretionary sales  
359 surtax shall be published in the Florida Statutes as a  
360 subsection of this section, irrespective of the duration of the  
361 levy. Each enactment shall specify the types of counties  
362 authorized to levy; the rate or rates which may be imposed; the  
363 maximum length of time the surtax may be imposed, if any; the  
364 procedure which must be followed to secure voter approval, if  
365 required; the purpose for which the proceeds may be expended;  
366 and such other requirements as the Legislature may provide.  
367 Taxable transactions and administrative procedures shall be as  
368 provided in s. 212.054.

369 (5) COUNTY PUBLIC HOSPITAL SURTAX.—Any county as defined  
370 in s. 125.011(1) may levy the surtax authorized in this  
371 subsection pursuant to an ordinance either approved by  
372 extraordinary vote of the county commission or conditioned to  
373 take effect only upon approval by a majority vote of the  
374 electors of the county voting in a referendum. In a county as  
375 defined in s. 125.011(1), for the purposes of this subsection,  
376 "county public general hospital" means a general hospital as

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377 defined in s. 395.002 which is owned, operated, maintained, or  
378 governed by the county or its agency, authority, or public  
379 health trust.

380 (e) A governing board, agency, or authority shall be  
381 chartered by the county commission upon this act becoming law.  
382 The governing board, agency, or authority shall adopt and  
383 implement a health care plan for indigent health care services.  
384 The governing board, agency, or authority shall consist of no  
385 more than seven and no fewer than five members appointed by the  
386 county commission. The members of the governing board, agency,  
387 or authority shall be at least 18 years of age and residents of  
388 the county. No member may be employed by or affiliated with a  
389 health care provider or the public health trust, agency, or  
390 authority responsible for the county public general hospital.  
391 The following community organizations shall each appoint a  
392 representative to a nominating committee: the South Florida  
393 Hospital and Healthcare Association, the Miami-Dade County  
394 Public Health Trust, the Dade County Medical Association, the  
395 Miami-Dade County Homeless Trust, and the Mayor of Miami-Dade  
396 County. This committee shall nominate between 10 and 14 county  
397 citizens for the governing board, agency, or authority. The  
398 slate shall be presented to the county commission and the county  
399 commission shall confirm the top five to seven nominees,  
400 depending on the size of the governing board. Until such time as  
401 the governing board, agency, or authority is created, the funds  
402 provided for in subparagraph (d)2. shall be placed in a

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403 restricted account set aside from other county funds and not  
404 disbursed by the county for any other purpose.

405 1. The plan shall divide the county into a minimum of four  
406 and maximum of six service areas, with no more than one  
407 participant hospital per service area. The county public general  
408 hospital shall be designated as the provider for one of the  
409 service areas. Services shall be provided through participants'  
410 primary acute care facilities.

411 2. The plan and subsequent amendments to it shall fund a  
412 defined range of health care services for both indigent persons  
413 and the medically poor, including primary care, preventive care,  
414 hospital emergency room care, and hospital care necessary to  
415 stabilize the patient. For the purposes of this section,  
416 "stabilization" means stabilization as defined in s. 397.311(41)  
417 ~~397.311(35)~~. Where consistent with these objectives, the plan  
418 may include services rendered by physicians, clinics, community  
419 hospitals, and alternative delivery sites, as well as at least  
420 one regional referral hospital per service area. The plan shall  
421 provide that agreements negotiated between the governing board,  
422 agency, or authority and providers shall recognize hospitals  
423 that render a disproportionate share of indigent care, provide  
424 other incentives to promote the delivery of charity care to draw  
425 down federal funds where appropriate, and require cost  
426 containment, including, but not limited to, case management.  
427 From the funds specified in subparagraphs (d)1. and 2. for  
428 indigent health care services, service providers shall receive

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429 reimbursement at a Medicaid rate to be determined by the  
430 governing board, agency, or authority created pursuant to this  
431 paragraph for the initial emergency room visit, and a per-member  
432 per-month fee or capitation for those members enrolled in their  
433 service area, as compensation for the services rendered  
434 following the initial emergency visit. Except for provisions of  
435 emergency services, upon determination of eligibility,  
436 enrollment shall be deemed to have occurred at the time services  
437 were rendered. The provisions for specific reimbursement of  
438 emergency services shall be repealed on July 1, 2001, unless  
439 otherwise reenacted by the Legislature. The capitation amount or  
440 rate shall be determined prior to program implementation by an  
441 independent actuarial consultant. In no event shall such  
442 reimbursement rates exceed the Medicaid rate. The plan must also  
443 provide that any hospitals owned and operated by government  
444 entities on or after the effective date of this act must, as a  
445 condition of receiving funds under this subsection, afford  
446 public access equal to that provided under s. 286.011 as to any  
447 meeting of the governing board, agency, or authority the subject  
448 of which is budgeting resources for the retention of charity  
449 care, as that term is defined in the rules of the Agency for  
450 Health Care Administration. The plan shall also include  
451 innovative health care programs that provide cost-effective  
452 alternatives to traditional methods of service and delivery  
453 funding.

454 3. The plan's benefits shall be made available to all

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455 county residents currently eligible to receive health care  
456 services as indigents or medically poor as defined in paragraph  
457 (4) (d).

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

462 5. At the end of each fiscal year, the governing board,  
463 agency, or authority shall prepare an audit that reviews the  
464 budget of the plan, delivery of services, and quality of  
465 services, and makes recommendations to increase the plan's  
466 efficiency. The audit shall take into account participant  
467 hospital satisfaction with the plan and assess the amount of  
468 poststabilization patient transfers requested, and accepted or  
469 denied, by the county public general hospital.

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

472 394.9085 Behavioral provider liability.—

473 (6) For purposes of this section, the terms  
474 "detoxification services," "addictions receiving facility," and  
475 "receiving facility" have the same meanings as those provided in  
476 ss. 397.311(22)(a)4. ~~397.311(18)(a)4.~~, 397.311(22)(a)1.  
477 ~~397.311(18)(a)1.~~, and 394.455(26), respectively.

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

480 397.405 Exemptions from licensure.—The following are

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481 exempt from the licensing provisions of this chapter:

482 (8) A legally cognizable church or nonprofit religious  
483 organization or denomination providing substance abuse services,  
484 including prevention services, which are solely religious,  
485 spiritual, or ecclesiastical in nature. A church or nonprofit  
486 religious organization or denomination providing any of the  
487 licensed service components itemized under s. 397.311(22)  
488 ~~397.311(18)~~ is not exempt from substance abuse licensure but  
489 retains its exemption with respect to all services which are  
490 solely religious, spiritual, or ecclesiastical in nature.

491

492 The exemptions from licensure in this section do not apply to  
493 any service provider that receives an appropriation, grant, or  
494 contract from the state to operate as a service provider as  
495 defined in this chapter or to any substance abuse program  
496 regulated pursuant to s. 397.406. Furthermore, this chapter may  
497 not be construed to limit the practice of a physician or  
498 physician assistant licensed under chapter 458 or chapter 459, a  
499 psychologist licensed under chapter 490, a psychotherapist  
500 licensed under chapter 491, or an advanced registered nurse  
501 practitioner licensed under part I of chapter 464, who provides  
502 substance abuse treatment, so long as the physician, physician  
503 assistant, psychologist, psychotherapist, or advanced registered  
504 nurse practitioner does not represent to the public that he or  
505 she is a licensed service provider and does not provide services  
506 to individuals pursuant to part V of this chapter. Failure to

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507 | comply with any requirement necessary to maintain an exempt  
508 | status under this section is a misdemeanor of the first degree,  
509 | punishable as provided in s. 775.082 or s. 775.083.

510 |       Section 9. Section 397.416, Florida Statutes, is amended  
511 | to read:

512 |       397.416 Substance abuse treatment services; qualified  
513 | professional.—Notwithstanding any other provision of law, a  
514 | person who was certified through a certification process  
515 | recognized by the former Department of Health and Rehabilitative  
516 | Services before January 1, 1995, may perform the duties of a  
517 | qualified professional with respect to substance abuse treatment  
518 | services as defined in this chapter, and need not meet the  
519 | certification requirements contained in s. 397.311(30)  
520 | ~~397.311(26)~~.

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

523 |       440.102 Drug-free workplace program requirements.—The  
524 | following provisions apply to a drug-free workplace program  
525 | implemented pursuant to law or to rules adopted by the Agency  
526 | for Health Care Administration:

527 |       (1) DEFINITIONS.—Except where the context otherwise  
528 | requires, as used in this act:

529 |       (d) "Drug rehabilitation program" means a service  
530 | provider, established pursuant to s. 397.311(39) ~~397.311(33)~~,  
531 | that provides confidential, timely, and expert identification,  
532 | assessment, and resolution of employee drug abuse.

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533 (g) "Employee assistance program" means an established  
534 program capable of providing expert assessment of employee  
535 personal concerns; confidential and timely identification  
536 services with regard to employee drug abuse; referrals of  
537 employees for appropriate diagnosis, treatment, and assistance;  
538 and followup services for employees who participate in the  
539 program or require monitoring after returning to work. If, in  
540 addition to the above activities, an employee assistance program  
541 provides diagnostic and treatment services, these services shall  
542 in all cases be provided by service providers pursuant to s.  
543 397.311(39) ~~397.311(33)~~.

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