

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1045 Certified Peer Specialist Gateway Pilot Program

SPONSOR(S): Hart and others

TIED BILLS: **IDEN./SIM. BILLS:** SB 1012

| REFERENCE | ACTION | ANALYST | STAFF DIRECTOR or BUDGET/POLICY CHIEF |
|--|--------|---------|--|
| 1) Criminal Justice Subcommittee | | Padgett | Hall |
| 2) Justice Appropriations Subcommittee | | | |
| 3) Judiciary Committee | | | |

SUMMARY ANALYSIS

Research has shown that social support provided by peers is beneficial to those in recovery from a substance use disorder or mental illness. The Department of Children and Families' (DCF) Florida Peer Services Handbook defines a "peer" as an individual who has life experience with a mental health or substance use condition. A peer specialist is a person who:

- Self-identifies as a person who has direct personal experience living in recovery from mental health or substance use conditions;
- Has a desire to use their experiences to help others with their recovery;
- Is willing to publicly identify as a person living in recovery for the purpose of educating, role modeling, and providing hope to others about the reality of recovery; and
- Has had the proper training and experience to work in a provider role.

Section 397.417(3)(b), F.S., requires DCF to designate one or more third-party credentialing entities to:

- Certify peer specialists;
- Approve training programs for individuals seeking certification as peer specialists;
- Approve continuing education programs; and
- Establish the minimum requirements and standards that applicants must achieve to maintain certification.

HB 1045 creates the Certified Peer Specialist Gateway Pilot Program (Program) within the Department of Corrections (DOC). The purpose of the Program is to provide participating inmates with a path to become certified peer specialists by offering such inmates the necessary training hours and experience needed for certification while incarcerated and assisting inmates who complete the Program with post-incarceration employment.

The bill requires DOC to develop criteria for determining which inmates are selected to participate in the Program and requires DOC to offer the Program at the following facilities:

- The Gadsden Re-Entry Center;
- The Baker Re-Entry Center;
- The Lowell Annex; and
- The Marion Correctional Institution.

The bill exempts a person who completed the Program from the background screening requirements for certified peer specialists.

Under the bill, the Program must assist persons who have completed the Program with post-incarceration employment by:

- Assisting potential employers with acquiring bonds from the United States Department of Labor's Federal Bonding Program, if applicable; and
- Offering funding to a potential employer to cover the costs of initially hiring and retaining such person.

The Program expires June 30, 2026.

The bill appropriates \$3 million in nonrecurring general revenue funds to DOC to implement the Program.

The bill provides an effective date of July 1, 2023.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives .

STORAGE NAME: h1045.CRJ

DATE: 3/27/2023

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Certified Peer Specialists

Research has shown that social support provided by peers is beneficial to those in recovery from a substance use disorder or mental illness.¹ The Department of Children and Families' (DCF) Florida Peer Services Handbook defines a "peer" as an individual who has life experience with a mental health or substance use condition.² Under current law, DCF oversees a program for persons who complete specified training to become a certified peer specialist.³ A peer specialist is a person who:

- Self-identifies as a person who has direct personal experience living in recovery from mental health or substance use conditions;
- Has a desire to use their experiences to help others with their recovery;
- Is willing to publicly identify as a person living in recovery for the purpose of educating, role modeling, and providing hope to others about the reality of recovery; and
- Has had the proper training and experience to work in a provider role.⁴

Section 397.417(3)(b), F.S., requires DCF to designate one or more third-party credentialing entities to:

- Certify peer specialists;
- Approve training programs for individuals seeking certification as peer specialists;
- Approve continuing education programs; and
- Establish the minimum requirements and standards that applicants must achieve to maintain certification.

All individuals providing DCF-funded recovery support services as a peer specialist must be certified; however, an individual who is not currently certified may work as a peer specialist for a maximum of one year if that individual is working toward certification and is supervised by a qualified professional or by a certified peer specialist with at least two years of full-time experience as a peer specialist at a licensed behavioral health organization.⁵

In addition to completing a competency exam, a peer specialist, or a person who is working towards certification as a peer specialist, must have completed or been lawfully released from confinement, supervision, or any nonmonetary condition imposed by a court for any felony and must undergo a background screening.⁶

A person may not be certified as a peer specialist if he or she has been arrested for and is awaiting final disposition of, found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, or been adjudicated delinquent and the record has not been sealed or expunged for, any felony offense in the three years preceding the application for certification, or for a conviction at any time for committing, or attempting, conspiring, or soliciting another person to commit, the following offenses:

- Section 393.135, F.S., relating to sexual misconduct with certain developmentally disabled clients and reporting of such sexual misconduct.

¹ Substance Abuse and Mental Health Services Administration, Center for Substance Abuse Treatment, *What Are Peer Recovery Support Services?*, <https://store.samhsa.gov/system/files/sma09-4454.pdf> (last visited March 27, 2023).

² Florida Department of Children and Families, *Florida Peer Services Handbook*, 2016, <http://www.dcf.state.fl.us/programs/samh/publications/peer-services/DCF-Peer-Guidance.pdf> (last visited March 27, 2023).

³ S. 397.417, F.S.

⁴ Department of Children and Families, *Florida Peer Services Handbook*, 2016, <http://www.dcf.state.fl.us/programs/samh/publications/peer-services/DCF-Peer-Guidance.pdf> (last visited March 27, 2023).

⁵ S. 397.417(3)(d), F.S.

⁶ S. 397.417(4)(a), F.S.

- Section 394.4593, F.S., relating to sexual misconduct with certain mental health patients and reporting of such sexual misconduct.
- Section 415.111, F.S., relating to adult abuse, neglect, or exploitation of aged persons or disabled adults.
- Section 782.04, F.S., relating to murder.
- Section 782.07, F.S., relating to manslaughter, aggravated manslaughter of an elderly person or disabled adult, or aggravated manslaughter of a child.
- Section 782.071, F.S., relating to vehicular homicide.
- Section 782.09, F.S., relating to killing of an unborn child by injury to the mother.
- Chapter 784, F.S., relating to assault, battery, and culpable negligence, if the offense was a felony.
- Section 784.011, F.S., relating to assault, if the victim of the offense was a minor.
- Section 784.03, F.S., relating to battery, if the victim of the offense was a minor.
- Section 787.01, F.S., relating to kidnapping.
- Section 787.02, F.S., relating to false imprisonment.
- Section 787.025, F.S., relating to luring or enticing a child.
- Section 787.04(2), F.S., relating to taking, enticing, or removing a child beyond the state limits with criminal intent pending custody proceedings.
- Section 787.04(3), F.S., relating to carrying a child beyond the state lines with criminal intent to avoid producing a child at a custody hearing or delivering the child to the designated person.
- Section 790.115(1), F.S., relating to exhibiting firearms or weapons within 1,000 feet of a school.
- Section 790.115(2)(b), F.S., relating to possessing an electric weapon or device, destructive device, or other weapon on school property.
- Section 794.011, F.S., relating to sexual battery.
- Former s. 794.041, F.S., relating to prohibited acts of persons in familial or custodial authority.
- Section 794.05, F.S., relating to unlawful sexual activity with certain minors.
- Chapter 796, F.S., relating to prostitution.
- Section 798.02, F.S., relating to lewd and lascivious behavior.
- Chapter 800, F.S., relating to lewdness and indecent exposure.
- Section 806.01, F.S., relating to arson.
- Section 810.02, F.S., relating to burglary.
- Section 810.14, F.S., relating to felony voyeurism.
- Section 810.145, F.S., relating to felony video voyeurism.
- Chapter 812, F.S., relating to felony theft, robbery, and related crimes.
- Section 817.563, F.S., relating to felony fraudulent sale of controlled substances.
- Section 825.102, F.S., relating to abuse, aggravated abuse, or neglect of an elderly person or disabled adult.
- Section 825.1025, F.S., relating to lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled adult.
- Section 825.103, F.S., relating to felony exploitation of an elderly person or disabled adult.
- Section 826.04, F.S., relating to incest.
- Section 827.03, F.S., relating to child abuse, aggravated child abuse, or neglect of a child.
- Section 827.04, F.S., relating to contributing to the delinquency or dependency of a child.
- Former s. 827.05, F.S., relating to negligent treatment of children.
- Section 827.071, F.S., relating to sexual performance by a child.
- Section 843.01, F.S., relating to resisting arrest with violence.
- Section 843.025, F.S., relating to depriving a law enforcement, correctional, or correctional probation officer of means of protection or communication.
- Section 843.12, F.S., relating to aiding in an escape.
- Section 843.13, F.S., relating to aiding in the escape of juvenile inmates in correctional institutions.
- Chapter 847, F.S., relating to obscene literature.
- Section 874.05, F.S., relating to encouraging or recruiting another to join a criminal gang.

- Chapter 893, F.S., relating to drug abuse prevention and control, only if the offense was a felony or if any other person involved in the offense was a minor.
- Section 916.1075, F.S., relating to sexual misconduct with certain forensic clients and reporting of such sexual misconduct.
- Section 944.35(3), F.S., relating to inflicting cruel or inhuman treatment on an inmate resulting in great bodily harm.
- Section 944.40, F.S., relating to escape.
- Section 944.46, F.S., relating to harboring, concealing, or aiding an escaped prisoner.
- Section 944.47, F.S., relating to introduction of contraband into a correctional facility.
- Section 985.701, F.S., relating to sexual misconduct in juvenile justice programs.
- Section 985.711, F.S., relating to contraband introduced into detention facilities.

If a person seeking certification as a peer specialist is disqualified due to a pending arrest, conviction, plea of nolo contendere, or adjudication of delinquency for one or more of the disqualifying offenses, the person may seek an exemption under s. 435.07, F.S., which authorizes the Secretary of DCF to grant exemptions under limited circumstances.⁷

Effect of Proposed Changes

HB 1045 creates an unnumbered section of law to establish the Certified Peer Specialist Gateway Pilot Program (Program) within the Department of Corrections (DOC). The purpose of the Program is to provide participating inmates with a path to become certified peer specialists by offering such inmates the necessary training hours and experience needed for certification while incarcerated and assisting inmates who complete the Program with post-incarceration employment.

The bill requires DOC to develop criteria for determining which inmates are selected to participate in the Program and requires DOC to offer the Program at the following facilities:

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- Assisting potential employers with acquiring bonds from the United States Department of Labor's Federal Bonding Program, if applicable; and
- Offering funding to a potential employer to cover the costs of initially hiring and retaining such person.

The bill appropriates \$3 million in nonrecurring general revenue funds to DOC to implement the Program.

The Program expires June 30, 2026.

⁷ Under s. 435.07(1), F.S., the DCF secretary may grant a person seeking certification as a peer specialist but who is otherwise disqualified from employment an exemption from disqualification for:

- A felony conviction, if at least three years have elapsed since the person has completed or been lawfully released from confinement, supervision, or nonmonetary condition imposed by the court for the disqualifying felony;
- A misdemeanor conviction, if a person has completed or been lawfully released from confinement, supervision, or nonmonetary conditions imposed by the court;
- Offenses that were felonies when committed but that are now misdemeanors and for which the person has completed or been lawfully released from confinement, supervision, or nonmonetary condition imposed by the court; or
- A finding of delinquency.

The bill provides an effective date of July 1, 2023.

B. SECTION DIRECTORY:

Section 1: Creates an unnumbered section of law to create the Certified Peer Specialist Gateway Pilot Program.

Section 2: Provides an effective date of July 1, 2023.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill appropriates \$3 million in nonrecurring general revenue funds to DOC to implement the Program.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to effect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill grants sufficient rule-making authority for implementation.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES