

1 A bill to be entitled
 2 An act relating to substance abuse services; amending
 3 s. 397.4073, F.S.; requiring, rather than authorizing,
 4 an exemption from disqualification from employment for
 5 certain substance abuse service provider personnel
 6 under certain circumstances; providing that certain
 7 persons may be granted such exemption without a
 8 waiting period under certain circumstances; amending
 9 ss. 397.487 and 397.4871, F.S.; conforming cross-
 10 references to changes made by the act; amending s.
 11 397.4872, F.S.; removing the authority of the
 12 Department of Children and Families to grant
 13 exemptions from disqualification under ch. 397, F.S.,
 14 under certain circumstances; removing an obsolete
 15 provision; amending s. 817.505, F.S.; revising
 16 provisions relating to payment practices exempt from
 17 prohibitions on patient brokering; providing an
 18 effective date.

19
 20 Be It Enacted by the Legislature of the State of Florida:

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 22 Section 1. Paragraph (b) of subsection (4) of section
 23 397.4073, Florida Statutes, is amended to read:

24 397.4073 Background checks of service provider personnel.—
 25 (4) EXEMPTIONS FROM DISQUALIFICATION.—

26 (b) ~~Since rehabilitated substance abuse impaired persons~~
 27 ~~are effective in the successful treatment and rehabilitation of~~
 28 ~~individuals with substance use disorders,~~ For service providers
 29 that which treat adolescents 13 years of age and older, service
 30 provider personnel whose background checks indicate crimes under
 31 s. 796.07(2)(e), s. 810.02(4), s. 812.014(2)(c), s. 817.563, s.
 32 831.01, s. 831.02, s. 893.13, or s. 893.147, and any related
 33 criminal attempt, solicitation, or conspiracy under s. 777.04:7

34 1. Shall ~~may~~ be exempted from disqualification from
 35 employment for such offenses pursuant to this paragraph if:

36 a. At least 5 years, or at least 3 years in the case of an
 37 individual seeking certification as a peer specialist under s.
 38 397.417, have elapsed since the applicant requesting an
 39 exemption has completed or has been lawfully released from any
 40 confinement, supervision, or nonmonetary condition imposed by a
 41 court for the applicant's most recent disqualifying offense
 42 under this paragraph.

43 b. The applicant for an exemption has not been arrested
 44 for any offense during the 5 years, or 3 years in the case of a
 45 peer specialist, before the request for exemption.

46 2. May be exempted from disqualification from employment
 47 for such offenses without a waiting period as provided under s.
 48 435.07(2).

49 Section 2. Subsection (6) of section 397.487, Florida
 50 Statutes, is amended to read:

51 397.487 Voluntary certification of recovery residences.—

52 (6) All owners, directors, and chief financial officers of
 53 an applicant recovery residence are subject to level 2
 54 background screening as provided under s. 408.809 and chapter
 55 435. A recovery residence is ineligible for certification, and a
 56 credentialing entity shall deny a recovery residence's
 57 application, if any owner, director, or chief financial officer
 58 has been found guilty of, or has entered a plea of guilty or
 59 nolo contendere to, regardless of adjudication, any offense
 60 listed in s. 408.809(4) or s. 435.04(2) unless the department
 61 has issued an exemption under s. 435.07 ~~s. 397.4073 or s.~~
 62 ~~397.4872~~. In accordance with s. 435.04, the department shall
 63 notify the credentialing agency of an owner's, director's, or
 64 chief financial officer's eligibility based on the results of
 65 his or her background screening.

66 Section 3. Subsection (5) of section 397.4871, Florida
 67 Statutes, is amended to read:

68 397.4871 Recovery residence administrator certification.—

69 (5) All applicants are subject to level 2 background
 70 screening as provided under chapter 435. An applicant is
 71 ineligible, and a credentialing entity shall deny the
 72 application, if the applicant has been found guilty of, or has
 73 entered a plea of guilty or nolo contendere to, regardless of
 74 adjudication, any offense listed in s. 408.809 or s. 435.04(2)
 75 unless the department has issued an exemption under s. 435.07 ~~s.~~

76 | ~~397.4872.~~ In accordance with s. 435.04, the department shall
77 | notify the credentialing agency of the applicant's eligibility
78 | based on the results of his or her background screening.

79 | Section 4. Subsections (2) and (3) of section 397.4872,
80 | Florida Statutes, are amended to read:

81 | 397.4872 Exemption from disqualification; publication.—

82 | ~~(2) The department may exempt a person from ss. 397.487(6)~~
83 | ~~and 397.4871(5) if it has been at least 3 years since the person~~
84 | ~~has completed or been lawfully released from confinement,~~
85 | ~~supervision, or sanction for the disqualifying offense. An~~
86 | ~~exemption from the disqualifying offenses may not be given under~~
87 | ~~any circumstances for any person who is a:~~

88 | ~~(a) Sexual predator pursuant to s. 775.21;~~

89 | ~~(b) Career offender pursuant to s. 775.261; or~~

90 | ~~(c) Sexual offender pursuant to s. 943.0435, unless the~~
91 | ~~requirement to register as a sexual offender has been removed~~
92 | ~~pursuant to s. 943.04354.~~

93 | (2)(3) By April 1, 2016, each credentialing entity shall
94 | submit a list to the department of all recovery residences and
95 | recovery residence administrators certified by the credentialing
96 | entity that hold a valid certificate of compliance. Thereafter,
97 | The credentialing entity must notify the department within 3
98 | business days after a new recovery residence or recovery
99 | residence administrator is certified or a recovery residence or
100 | recovery residence administrator's certificate expires or is

101 terminated. The department shall publish on its website a list
102 of all recovery residences that hold a valid certificate of
103 compliance. The department shall also publish on its website a
104 list of all recovery residence administrators who hold a valid
105 certificate of compliance. A recovery residence or recovery
106 residence administrator shall be excluded from the list upon
107 written request to the department by the listed individual or
108 entity.

109 Section 5. Paragraph (a) of subsection (3) of section
110 817.505, Florida Statutes, is amended to read:

111 817.505 Patient brokering prohibited; exceptions;
112 penalties.—

113 (3) This section shall not apply to the following payment
114 practices:

115 (a) Any discount, payment, waiver of payment, or payment
116 practice not prohibited ~~expressly authorized~~ by 42 U.S.C. s.
117 1320a-7b(b) ~~42 U.S.C. s. 1320a-7b(b) (3)~~ or regulations
118 promulgated ~~adopted~~ thereunder.

119 Section 6. This act shall take effect July 1, 2020.