

Amendment No. 1 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
1		.	
2		.	
3		.	
4		.	

ORIGINAL STAMP BELOW

The Committee on Health Regulation offered the following:

**Amendment (with title amendment)**

Remove everything after the enacting clause

and insert:

Section 1. Section 397.311, Florida Statutes, is amended to read:

397.311 Definitions.--As used in this chapter, except part VIII:

(1) "Ancillary services" are services which include, but are not limited to, special diagnostic, prenatal and postnatal, other medical, mental health, legal, economic, vocational, employment, and educational services.

(2) "Assessment" means the systematic evaluation of information gathered to determine the nature and severity of the client's substance abuse problem and the client's need and motivation for services. Assessment entails the use of a psychosocial history supplemented, as required by rule, by medical examinations, laboratory testing, and psychometric measures.

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1           (3) "Authorized agent of the department" means a  
2 person designated by the department to conduct any audit,  
3 inspection, monitoring, evaluation, or other duty imposed upon  
4 the department pursuant to this chapter. An authorized agent  
5 must be identified by the department as:

6           (a) Qualified by the requisite expertise and  
7 experience;

8           (b) Having a need to know the applicable information;  
9 and

10           (c) Having the assigned responsibility to carry out  
11 the applicable duty.

12           ~~(4) "Background check" means reviewing the background~~  
13 ~~of service provider personnel who have direct contact with~~  
14 ~~unmarried clients under the age of 18 years or with clients~~  
15 ~~who are developmentally disabled in accordance with the~~  
16 ~~provisions of s. 397.451, and includes, but is not limited to,~~  
17 ~~local criminal records checks through local law enforcement~~  
18 ~~agencies, fingerprinting, statewide criminal records checks~~  
19 ~~through the Department of Law Enforcement, federal criminal~~  
20 ~~records checks through the Federal Bureau of Investigation,~~  
21 ~~and employment history checks.~~

22           (4)~~(5)~~ "Beyond the safe management capabilities of the  
23 service provider" refers to a client who is in need of:

24           (a) Supervision;

25           (b) Medical care; or

26           (c) Services,

27  
28 beyond that which the service provider or service component  
29 can deliver.

30           (5)~~(6)~~ "Client" means a recipient of alcohol or other  
31 drug services delivered by a service provider but does not

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1 include an inmate pursuant to part VIII unless expressly so  
2 provided.

3 (6)~~(7)~~ "Client identifying information" means the  
4 name, address, social security number, fingerprints,  
5 photograph, and similar information by which the identity of a  
6 client can be determined with reasonable accuracy and speed  
7 either directly or by reference to other publicly available  
8 information.

9 (7)~~(8)~~ "Court" means, with respect to all involuntary  
10 proceedings under this chapter, the circuit court of the  
11 county in which the judicial proceeding is pending or where  
12 the substance abuse impaired person resides or is located, and  
13 includes any general or special master that may be appointed  
14 by the chief judge to preside over all or part of such  
15 proceeding. Otherwise, "court" refers to the court of legal  
16 jurisdiction in the context in which the term is used in this  
17 chapter.

18 (8)~~(9)~~ "Department" means the Department of Children  
19 and Family Services.

20 (9)~~(10)~~ "Director" means the chief administrative  
21 officer of a service provider.

22 (10)~~(11)~~ "Disclose" or "disclosure" means a  
23 communication of client identifying information, the  
24 affirmative verification of another person's communication of  
25 client identifying information, or the communication of any  
26 information of a client who has been identified. Any  
27 disclosure made pursuant to this chapter must be limited to  
28 that information which is necessary to carry out the purpose  
29 of the disclosure.

30 (11)~~(12)~~ "Fee system" means a method of establishing  
31 charges for services rendered, in accordance with a client's

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1 ability to pay, used by providers that receive state funds.

2 (12)~~(13)~~ "For profit" means registered as for profit  
3 by the Secretary of State and recognized by the Internal  
4 Revenue Service as a for-profit entity.

5 (13)~~(14)~~ "Habitual abuser" means a person who is  
6 brought to the attention of law enforcement for being  
7 substance impaired, who meets the criteria for involuntary  
8 admission in s. 397.675, and who has been taken into custody  
9 for such impairment three or more times during the preceding  
10 12 months.

11 (14)~~(15)~~ "Hospital" means a hospital or hospital-based  
12 component licensed under chapter 395.

13 (15)~~(16)~~ "Impaired" or "substance abuse impaired"  
14 means a condition involving the use of alcoholic beverages or  
15 any psychoactive or mood-altering substance in such a manner  
16 as to induce mental, emotional, or physical problems and cause  
17 socially dysfunctional behavior.

18 (16)~~(17)~~ "Individualized treatment or service plan"  
19 means an immediate and a long-range plan for substance abuse  
20 or ancillary services developed on the basis of a client's  
21 assessed needs.

22 (17)~~(18)~~ "Law enforcement officer" means a law  
23 enforcement officer as defined in s. 943.10(1).

24 (18)~~(19)~~ "Licensed service provider" means a public  
25 agency under this chapter, a private for-profit or  
26 not-for-profit agency under this chapter, a physician licensed  
27 ~~under chapter 458 or chapter 459,~~ or any other private  
28 practitioner licensed under this chapter, or a hospital that  
29 ~~licensed under chapter 395, which~~ offers substance abuse  
30 impairment services through one or more of the following  
31 licensable service components:

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1           (a) Addictions receiving facility, which is a  
2 community-based facility designated by the department to  
3 receive, screen, and assess clients found to be substance  
4 abuse impaired, in need of emergency treatment for substance  
5 abuse impairment, or impaired by substance abuse to such an  
6 extent as to meet the criteria for involuntary admission in s.  
7 397.675, and to provide detoxification and stabilization. An  
8 addictions receiving facility must be state-owned,  
9 state-operated, or state-contracted, and licensed pursuant to  
10 rules adopted by the department's Substance Abuse Program  
11 Office which include specific authorization for the provision  
12 of levels of care and a requirement of separate accommodations  
13 for adults and minors. Addictions receiving facilities are  
14 designated as secure facilities to provide an intensive level  
15 of care and must have sufficient staff and the authority to  
16 provide environmental security to handle aggressive and  
17 difficult-to-manage behavior and deter elopement.

18           (b) Detoxification, which uses medical and  
19 psychological procedures and a supportive counseling regimen  
20 to assist clients in managing toxicity and withdrawing and  
21 stabilizing from the physiological and psychological effects  
22 of substance abuse impairment.

23           (c) Residential treatment, which provides a  
24 structured, live-in environment within a nonhospital setting  
25 on a 24-hours-a-day, 7-days-a-week basis, and which includes:  
26 ~~treatment, rehabilitation, and transitional care.~~

27           1. Facilities that provide room and board and  
28 treatment and rehabilitation within the primary residential  
29 facility; and

30           2. Facilities that are used for room and board only  
31 and in which treatment and rehabilitation activities are

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1 provided on a mandatory basis at locations other than the  
2 primary residential facility. In this case, facilities used  
3 for room and board and for treatment and rehabilitation are  
4 operated under the auspices of the same provider, and  
5 licensing and regulatory requirements would apply to both the  
6 residential facility and all other facilities in which  
7 treatment and rehabilitation activities occur.

8 (d) Day and night treatment, which provides a  
9 nonresidential environment with a structured schedule of  
10 treatment and rehabilitation services.

11 (e) Outpatient treatment, which provides individual,  
12 group, or family counseling for clients by appointment during  
13 scheduled operating hours, with an emphasis on assessment and  
14 treatment.

15 (f) Medication and methadone maintenance treatment  
16 that uses methadone or other medication as authorized by state  
17 and federal law, in conjunction with medical, rehabilitative,  
18 and counseling services in the treatment of clients who are  
19 dependent upon opioid drugs.

20 (g) Prevention, which is a process involving  
21 strategies aimed at the individual, the environment, or the  
22 substance, which strategies preclude, forestall, or impede the  
23 development of substance abuse problems and promote  
24 responsible personal and social growth of individuals and  
25 families toward full human potential.

26 (h) Intervention, which consists of structured  
27 services targeted toward individuals or groups at risk and  
28 focused on reducing those factors associated with the onset or  
29 the early stages of substance abuse, and related problems.

30 (19)~~(20)~~ "Not for profit" means registered as not for  
31 profit by the Secretary of State and recognized by the

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1 Internal Revenue Service as a not-for-profit entity.

2 ~~(20)~~~~(21)~~ "Physician" means a person licensed under  
3 chapter 458 to practice medicine or licensed under chapter 459  
4 to practice osteopathic medicine, and may include, if the  
5 context so indicates, an intern or resident enrolled in an  
6 intern or resident training program affiliated with an  
7 approved medical school, hospital, or other facility through  
8 which training programs are normally conducted.

9 ~~(21)~~~~(22)~~ "Preliminary screening" means the gathering  
10 of initial information to be used in determining a person's  
11 need for assessment or for referral.

12 ~~(22)~~~~(23)~~ "Private practitioner" means a physician  
13 licensed under chapter 458 or chapter 459, a psychologist  
14 licensed under chapter 490, or a clinical social worker,  
15 marriage and family therapist, or mental health counselor  
16 licensed under chapter 491.

17 ~~(23)~~~~(24)~~ "Program evaluation" or "evaluation" means a  
18 systematic measurement of a service provider's achievement of  
19 desired client or service outcomes.

20 ~~(24)~~~~(25)~~ "Qualified professional" means a physician  
21 licensed under chapter 458 or chapter 459; a professional  
22 licensed under chapter 490 or chapter 491; or a person who is  
23 certified through a department-recognized certification  
24 process for substance abuse treatment services and who holds,  
25 at a minimum, a bachelor's degree. A person who is certified  
26 in substance abuse treatment services by a state-recognized  
27 certification process in another state at the time of  
28 employment with a licensed substance abuse provider in this  
29 state may perform the functions of a qualified professional as  
30 defined in this chapter but must meet certification  
31 requirements contained in this subsection no later than 1 year

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1 after his or her date of employment.

2 (25)~~(26)~~ "Quality assurance" means the objective and  
3 internal systematic monitoring of the appropriateness and  
4 quality of client care rendered by a service provider.

5 (26)~~(27)~~ "Secure facility," except where the context  
6 indicates a correctional system facility, means a provider  
7 that has the authority to deter the premature departure of  
8 involuntary clients whose leaving constitutes a violation of a  
9 court order or community-based supervision as provided by law.  
10 The term "secure facility" includes addictions receiving  
11 facilities and facilities authorized by local ordinance for  
12 the treatment of habitual abusers.

13 (27)~~(28)~~ "Service provider" or "provider" means a  
14 public agency, a private for-profit or not-for-profit agency,  
15 a person who is a private practitioner, or a hospital, ~~which~~  
16 ~~agency, person, or hospital is~~ licensed under this chapter or  
17 exempt from licensure under this chapter.

18 (28)~~(29)~~ "Service provider personnel" or "personnel"  
19 includes all owners, directors, chief financial officers,  
20 staff, and volunteers, including foster parents, of a service  
21 provider.

22 (29)~~(30)~~ "Stabilization" means:

- 23 (a) Alleviation of a crisis condition; or  
24 (b) Prevention of further deterioration,

25  
26 and connotes short-term emergency treatment.

27 Section 2. Subsection (1) of section 397.403, Florida  
28 Statutes, is amended to read:

29 397.403 License application.--

30 (1) Applicants for a license under this chapter must  
31 apply to the department on forms provided by the department



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1 and in accordance with rules adopted by the department.

2 Applications must include at a minimum:

3 (a) Information establishing the name and address of  
4 the applicant service provider and its director, and also of  
5 each member, owner, officer, and shareholder, if any.

6 (b) Information establishing the competency and  
7 ability of the applicant service provider and its director to  
8 carry out the requirements of this chapter.

9 (c) Proof satisfactory to the department of the  
10 applicant service provider's financial ability and  
11 organizational capability to operate in accordance with this  
12 chapter.

13 (d) Proof of liability insurance coverage in amounts  
14 set by the department by rule.

15 (e) Sufficient information to conduct background  
16 screening as provided in s. 397.451 ~~Personnel fingerprints for~~  
17 ~~background checks as required by this chapter.~~

18 1. If the results of the background screening indicate  
19 that any owner, director, or chief financial officer has been  
20 found guilty of, regardless of adjudication, or has entered a  
21 plea of nolo contendere or guilty to any offense prohibited  
22 under the screening standard, a license may not be issued to  
23 the applicant service provider unless an exemption from  
24 disqualification has been granted by the department as set  
25 forth in chapter 435. The owner, director, or chief financial  
26 officer has 90 days within which to obtain the required  
27 exemption, during which time the applicant's license remains  
28 in effect.

29 2. If any owner, director, or chief financial officer  
30 is found guilty of, regardless of adjudication, or has entered  
31 a plea of nolo contendere or guilty to any offense prohibited

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1 under the screening standard while acting in that capacity,  
2 the provider shall immediately remove the person from that  
3 position and shall notify the department within 2 days after  
4 such removal, excluding weekends and holidays. Failure to  
5 remove the owner, director, or chief financial officer will  
6 result in revocation of the provider's license.

7 (f) Proof of satisfactory fire, safety, and health  
8 inspections, and compliance with local zoning ordinances.  
9 Service providers operating under a regular annual license  
10 shall have 18 months from the expiration date of their regular  
11 license within which to meet local zoning requirements.  
12 Applicants for a new license must demonstrate proof of  
13 compliance with zoning requirements prior to the department  
14 issuing a probationary license.

15 (g) A comprehensive outline of the proposed services  
16 for:

- 17 1. Any new applicant; or
- 18 2. Any licensed service provider adding a new  
19 licensable service component.

20 Section 3. Section 397.405, Florida Statutes, is  
21 amended to read:

22 397.405 Exemptions from licensure.--The following are  
23 exempt from the licensing provisions of this chapter:

24 (1) A hospital or hospital-based component licensed  
25 under chapter 395.

26 (2) A nursing home facility as defined in s. 400.021.

27 (3) A substance abuse education program established  
28 pursuant to s. 233.061.

29 (4) A facility or institution operated by the Federal  
30 Government.

31 (5) A physician licensed under chapter 458 or chapter

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1 459.

2 (6) A psychologist licensed under chapter 490.

3 (7) A social worker, marriage and family therapist, or  
4 mental health counselor licensed under chapter 491.5 (8) An established and legally cognizable church or  
6 nonprofit religious organization or ~~denomination, or sect~~  
7 providing substance abuse services, including prevention  
8 services, which are exclusively religious, spiritual, or  
9 ecclesiastical in nature. A church or nonprofit religious  
10 organization or ~~denomination, or sect~~ providing any of the  
11 licensable service components itemized under s. 397.311(18) ~~s.~~  
12 ~~397.311(19)~~ is not exempt for purposes of its provision of  
13 such licensable service components but retains its exemption  
14 with respect to all services which are exclusively religious,  
15 spiritual, or ecclesiastical in nature.16 (9) Facilities licensed under s. 393.063(8) that, in  
17 addition to providing services to persons who are  
18 developmentally disabled as defined therein, also provide  
19 services to persons developmentally at risk as a consequence  
20 of exposure to alcohol or other legal or illegal drugs while  
21 in utero.22 (10) DUI education and screening services provided  
23 ~~required to be attended~~ pursuant to ss. 316.192, 316.193,  
24 322.095, 322.271, and 322.291 ~~are exempt from licensure under~~  
25 ~~this chapter.~~ Persons or entities providing treatment  
26 services programs must ~~continue to~~ be licensed under this  
27 chapter unless exempted from licensing as provided in this  
28 section.29  
30 The exemptions from licensure in this section do not apply to  
31 any service provider that facility or entity which receives an

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1 appropriation, grant, or contract from the state to operate as  
2 a service provider as defined in this chapter or to any  
3 substance abuse program regulated pursuant to s. 397.406.  
4 ~~Furthermore, No provision of this chapter may not shall~~ be  
5 construed to limit the practice of a physician licensed under  
6 chapter 458 or chapter 459, a psychologist licensed under  
7 chapter 490, or a psychotherapist licensed under chapter 491  
8 ~~who provides, providing outpatient or inpatient~~ substance  
9 abuse treatment ~~to a voluntary patient~~, so long as the  
10 physician, psychologist, or psychotherapist does not represent  
11 to the public that he or she is a licensed service provider  
12 and does not provide services to clients pursuant to part V of  
13 this chapter under this act. Failure to comply with any  
14 requirement necessary to maintain an exempt status under this  
15 section is a misdemeanor of the first degree, punishable as  
16 provided in s. 775.082 or s. 775.083.

17 Section 4. Subsection (1) of section 397.407, Florida  
18 Statutes, is amended to read:

19 397.407 Licensure fees.--

20 (1) The department shall establish licensure fees by  
21 rule. The rule must prescribe a fee range that is based, at  
22 least in part, on the number and complexity of programs listed  
23 in s. 397.311(18)~~s. 397.311(19)~~ which are operated by a  
24 licensee. The fee range must be implemented over a 5-year  
25 period. The fee schedule for licensure of service components  
26 must be increased annually in substantially equal increments  
27 so that, by July 1, 1998, the fees from the licensure of  
28 service components are sufficient to cover at least 50 percent  
29 of the costs of regulating the service components. The  
30 department shall specify by rule a fee range and phase-in plan  
31 for privately funded licensed service providers and a fee

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1 range and phase-in plan for publicly funded licensed service  
2 providers. Fees for privately funded licensed service  
3 providers must exceed the fees for publicly funded licensed  
4 service providers. The first year phase-in licensure fees  
5 must be at least \$150 per initial license. The rule must  
6 provide for a reduction in licensure fees for licensed service  
7 providers who hold more than one license.

8 Section 5. Subsection (2) of section 397.416, Florida  
9 Statutes, is amended to read:

10 397.416 Substance abuse treatment services; qualified  
11 professional.--

12 (2) Notwithstanding any other provision of law, a  
13 person who was certified through a certification process  
14 recognized by the former Department of Health and  
15 Rehabilitative Services before January 1, 1995, may perform  
16 the duties of a qualified professional with respect to  
17 substance abuse treatment services as defined in this chapter,  
18 and need not meet the certification requirements contained in  
19 s. 397.311(24)~~s. 397.311(25)~~.

20 Section 6. Section 397.451, Florida Statutes, is  
21 amended to read:

22 397.451 Background checks of service provider  
23 ~~personnel who have direct contact with unmarried minor clients~~  
24 ~~or clients who are developmentally disabled.--~~

25 (1) PERSONNEL BACKGROUND CHECKS; REQUIREMENTS AND  
26 EXCEPTIONS.--

27 (a) Background checks shall apply as follows:

28 1. All owners, directors, and chief financial officers  
29 of service providers are subject to level-2 background  
30 screening as provided under chapter 435.

31 2. All service provider personnel who have direct

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1 contact with children receiving services or with adults who  
2 are developmentally disabled receiving services are subject to  
3 level-2 background screening as provided under chapter 435.

4 ~~Service provider personnel who have direct contact with~~  
5 ~~unmarried clients under the age of 18 years or with clients~~  
6 ~~who are developmentally disabled are subject to background~~  
7 ~~checks, except as otherwise provided in this section.~~

8 ~~(b) Students in the health care professions who are~~  
9 ~~interning under the actual physical presence supervision of a~~  
10 ~~licensed health care professional in a service provider~~  
11 ~~licensed under chapter 395, where the primary purpose of the~~  
12 ~~service provider is not the treatment of unmarried minors or~~  
13 ~~of persons who are developmentally disabled, are exempt from~~  
14 ~~the fingerprinting and background check requirements.~~

15 ~~(c) Personnel working in a service provider licensed~~  
16 ~~under chapter 395 who have less than 15 hours per week of~~  
17 ~~direct contact with unmarried minors or with persons who are~~  
18 ~~developmentally disabled, or personnel who are health care~~  
19 ~~professionals licensed by the Department of Business and~~  
20 ~~Professional Regulation or a board thereunder who are not~~  
21 ~~employed in a service provider where the primary purpose is~~  
22 ~~the treatment of unmarried minors or of persons who are~~  
23 ~~developmentally disabled are exempt from the fingerprinting~~  
24 ~~and background check requirements.~~

25 ~~(b)(d)~~ Members of a foster family and persons residing  
26 with the foster family who are between 12 and 18 years of age  
27 are not required to be fingerprinted but must have their  
28 backgrounds checked for delinquency records. Members of the  
29 foster family and persons residing with the foster family over  
30 18 years of age are subject to full background checks.

31 ~~(c)(e)~~ A volunteer who assists on an intermittent

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1 basis for fewer than 40 hours per month and is under direct  
2 and constant supervision by persons who meet all personnel  
3 requirements of this chapter is exempt from fingerprinting and  
4 background check requirements.

5 (d)~~(f)~~ Service providers that are exempt from  
6 licensing provisions of this chapter are exempt from personnel  
7 fingerprinting and background check requirements, except as  
8 otherwise provided in this section. A church or nonprofit  
9 religious organization exempt from licensure under this  
10 chapter is required to comply with personnel fingerprinting  
11 and background check requirements.

12 (e)~~(g)~~ Personnel employed by the Department of  
13 Corrections in a substance abuse service component who have  
14 direct contact with unmarried inmates under the age of 18 or  
15 with inmates who are developmentally disabled are exempt from  
16 the fingerprinting and background check requirements of this  
17 section.

18 (f) Service provider personnel who request an  
19 exemption from disqualification must submit the request within  
20 30 days after being notified of a pending disqualification.  
21 The employment of service provider personnel shall not be  
22 adversely affected pending disposition of the request for an  
23 exemption. Disapproval of a request for an exemption shall  
24 result in the immediate dismissal of the service provider  
25 personnel from employment with the provider.

26 (2) EMPLOYMENT HISTORY CHECKS; CHECKS OF  
27 REFERENCES.--The department shall assess employment history  
28 checks and checks of references for all owners, directors, and  
29 chief financial officers, and the directors shall assess  
30 employment history checks and checks of references for each  
31 employee who has direct contact with children receiving

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1 services or adults who are developmentally disabled receiving  
2 services ~~unmarried clients under the age of 18 years or with~~  
3 ~~clients who are developmentally disabled.~~

4 ~~(3) MINIMUM BACKGROUND CHECK STANDARDS.--The~~  
5 ~~department shall require employment screening pursuant to~~  
6 ~~chapter 435, using level 2 standards for screening set forth~~  
7 ~~in that chapter, of service provider personnel who have direct~~  
8 ~~contact with unmarried clients under the age of 18 years or~~  
9 ~~with clients who are developmentally disabled.~~

10 ~~(3)(4) PERSONNEL EXEMPT FROM BEING REFINGERPRINTED OR~~  
11 ~~RECHECKED.--~~

12 (a) Service provider personnel who have been  
13 fingerprinted or had their backgrounds checked pursuant to  
14 chapter 393, chapter 394, chapter 402, or chapter 409, or this  
15 section, and teachers who have been fingerprinted pursuant to  
16 chapter 231, who have not been unemployed for more than 90  
17 days thereafter and who, under the penalty of perjury, attest  
18 to the completion of such fingerprinting or background checks  
19 and to compliance with the provisions of this section and the  
20 standards contained in chapter 435 and this section, are not  
21 required to be refingerprinted or rechecked in order to comply  
22 with service provider personnel fingerprinting or background  
23 check requirements.

24 (b) Service provider owners, directors, or chief  
25 financial officers who are not covered by paragraph (a) who  
26 provide proof of compliance with the level-2 background  
27 screening requirements which has been submitted within the  
28 previous 5 years in compliance with any other state health  
29 care licensure requirements are not required to be  
30 refingerprinted or rechecked.

31 ~~(4)(5) EXEMPTIONS FROM DISQUALIFICATION.--~~



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1 (a) The department may grant to any service provider  
2 personnel an exemption from disqualification ~~from working with~~  
3 ~~children or the developmentally disabled~~ as provided in s.  
4 435.07.

5 (b) Since rehabilitated substance abuse impaired  
6 persons are effective in the successful treatment and  
7 rehabilitation of substance abuse impaired adolescents, for  
8 service providers which treat adolescents 13 years of age and  
9 older, service provider personnel whose background checks  
10 indicate crimes under s. 817.563, s. 893.13, or s. 893.147  
11 may be exempted from disqualification from employment pursuant  
12 to this paragraph.

13 (c) The department may grant exemptions from  
14 disqualification which would limit service provider personnel  
15 to working with adults in substance-abuse-treatment  
16 facilities.

17 (5)(6) PAYMENT FOR PROCESSING OF FINGERPRINTS AND  
18 STATE CRIMINAL RECORDS CHECKS.--The employing service provider  
19 or the personnel who are having their backgrounds checked are  
20 responsible for paying the costs of processing fingerprints  
21 and criminal records checks.

22 (6)(7) DISQUALIFICATION FROM RECEIVING STATE  
23 FUNDS.--State funds may not be disseminated to any service  
24 provider owned or operated by an owner, or director, or chief  
25 financial officer who has been convicted of, has entered a  
26 plea of guilty or nolo contendere to, or has had adjudication  
27 withheld for, a violation of s. 893.135 pertaining to  
28 trafficking in controlled substances, or a violation of the  
29 law of another state, the District of Columbia, the United  
30 States or any possession or territory thereof, or any foreign  
31 jurisdiction which is substantially similar in elements and

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1 penalties to a trafficking offense in this state, unless the  
2 owner's or director's civil rights have been restored.

3 Section 7. Paragraph (e) of subsection (5) of section  
4 212.055, Florida Statutes, is amended to read:

5 212.055 Discretionary sales surtaxes; legislative  
6 intent; authorization and use of proceeds.--It is the  
7 legislative intent that any authorization for imposition of a  
8 discretionary sales surtax shall be published in the Florida  
9 Statutes as a subsection of this section, irrespective of the  
10 duration of the levy. Each enactment shall specify the types  
11 of counties authorized to levy; the rate or rates which may be  
12 imposed; the maximum length of time the surtax may be imposed,  
13 if any; the procedure which must be followed to secure voter  
14 approval, if required; the purpose for which the proceeds may  
15 be expended; and such other requirements as the Legislature  
16 may provide. Taxable transactions and administrative  
17 procedures shall be as provided in s. 212.054.

18 (5) COUNTY PUBLIC HOSPITAL SURTAX.--Any county as  
19 defined in s. 125.011(1) may levy the surtax authorized in  
20 this subsection pursuant to an ordinance either approved by  
21 extraordinary vote of the county commission or conditioned to  
22 take effect only upon approval by a majority vote of the  
23 electors of the county voting in a referendum. In a county as  
24 defined in s. 125.011(1), for the purposes of this subsection,  
25 "county public general hospital" means a general hospital as  
26 defined in s. 395.002 which is owned, operated, maintained, or  
27 governed by the county or its agency, authority, or public  
28 health trust.

29 (e) A governing board, agency, or authority shall be  
30 chartered by the county commission upon this act becoming law.  
31 The governing board, agency, or authority shall adopt and

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1 implement a health care plan for indigent health care  
2 services. The governing board, agency, or authority shall  
3 consist of no more than seven and no fewer than five members  
4 appointed by the county commission. The members of the  
5 governing board, agency, or authority shall be at least 18  
6 years of age and residents of the county. No member may be  
7 employed by or affiliated with a health care provider or the  
8 public health trust, agency, or authority responsible for the  
9 county public general hospital. The following community  
10 organizations shall each appoint a representative to a  
11 nominating committee: the South Florida Hospital and  
12 Healthcare Association, the Miami-Dade County Public Health  
13 Trust, the Dade County Medical Association, the Miami-Dade  
14 County Homeless Trust, and the Mayor of Miami-Dade County.  
15 This committee shall nominate between 10 and 14 county  
16 citizens for the governing board, agency, or authority. The  
17 slate shall be presented to the county commission and the  
18 county commission shall confirm the top five to seven  
19 nominees, depending on the size of the governing board. Until  
20 such time as the governing board, agency, or authority is  
21 created, the funds provided for in subparagraph (d)2. shall be  
22 placed in a restricted account set aside from other county  
23 funds and not disbursed by the county for any other purpose.

24 1. The plan shall divide the county into a minimum of  
25 four and maximum of six service areas, with no more than one  
26 participant hospital per service area. The county public  
27 general hospital shall be designated as the provider for one  
28 of the service areas. Services shall be provided through  
29 participants' primary acute care facilities.

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

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1 persons and the medically poor, including primary care,  
2 preventive care, hospital emergency room care, and hospital  
3 care necessary to stabilize the patient. For the purposes of  
4 this section, "stabilization" means stabilization as defined  
5 in s. 397.311(29)~~s. 397.311(30)~~. Where consistent with these  
6 objectives, the plan may include services rendered by  
7 physicians, clinics, community hospitals, and alternative  
8 delivery sites, as well as at least one regional referral  
9 hospital per service area. The plan shall provide that  
10 agreements negotiated between the governing board, agency, or  
11 authority and providers shall recognize hospitals that render  
12 a disproportionate share of indigent care, provide other  
13 incentives to promote the delivery of charity care to draw  
14 down federal funds where appropriate, and require cost  
15 containment, including, but not limited to, case management.  
16 From the funds specified in subparagraphs (d)1. and 2. for  
17 indigent health care services, service providers shall receive  
18 reimbursement at a Medicaid rate to be determined by the  
19 governing board, agency, or authority created pursuant to this  
20 paragraph for the initial emergency room visit, and a  
21 per-member per-month fee or capitation for those members  
22 enrolled in their service area, as compensation for the  
23 services rendered following the initial emergency visit.  
24 Except for provisions of emergency services, upon  
25 determination of eligibility, enrollment shall be deemed to  
26 have occurred at the time services were rendered. The  
27 provisions for specific reimbursement of emergency services  
28 shall be repealed on July 1, 2001, unless otherwise reenacted  
29 by the Legislature. The capitation amount or rate shall be  
30 determined prior to program implementation by an independent  
31 actuarial consultant. In no event shall such reimbursement

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1 rates exceed the Medicaid rate. The plan must also provide  
2 that any hospitals owned and operated by government entities  
3 on or after the effective date of this act must, as a  
4 condition of receiving funds under this subsection, afford  
5 public access equal to that provided under s. 286.011 as to  
6 any meeting of the governing board, agency, or authority the  
7 subject of which is budgeting resources for the retention of  
8 charity care, as that term is defined in the rules of the  
9 Agency for Health Care Administration. The plan shall also  
10 include innovative health care programs that provide  
11 cost-effective alternatives to traditional methods of service  
12 and delivery funding.

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

17 4. Eligible residents who participate in the health  
18 care plan shall receive coverage for a period of 12 months or  
19 the period extending from the time of enrollment to the end of  
20 the current fiscal year, per enrollment period, whichever is  
21 less.

22 5. At the end of each fiscal year, the governing  
23 board, agency, or authority shall prepare an audit that  
24 reviews the budget of the plan, delivery of services, and  
25 quality of services, and makes recommendations to increase the  
26 plan's efficiency. The audit shall take into account  
27 participant hospital satisfaction with the plan and assess the  
28 amount of poststabilization patient transfers requested, and  
29 accepted or denied, by the county public general hospital.

30 Section 8. Paragraphs (d) and (g) of subsection (1) of  
31 section 440.102, Florida Statutes, are amended to read:

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1           440.102 Drug-free workplace program requirements.--The  
2 following provisions apply to a drug-free workplace program  
3 implemented pursuant to law or to rules adopted by the Agency  
4 for Health Care Administration:

5           (1) DEFINITIONS.--Except where the context otherwise  
6 requires, as used in this act:

7           (d) "Drug rehabilitation program" means a service  
8 provider, established pursuant to s. 397.311(27)~~s.~~  
9 ~~397.311(28)~~, that provides confidential, timely, and expert  
10 identification, assessment, and resolution of employee drug  
11 abuse.

12           (g) "Employee assistance program" means an established  
13 program capable of providing expert assessment of employee  
14 personal concerns; confidential and timely identification  
15 services with regard to employee drug abuse; referrals of  
16 employees for appropriate diagnosis, treatment, and  
17 assistance; and followup services for employees who  
18 participate in the program or require monitoring after  
19 returning to work. If, in addition to the above activities, an  
20 employee assistance program provides diagnostic and treatment  
21 services, these services shall in all cases be provided by  
22 service providers pursuant to s. 397.311(27)~~s. 397.311(28)~~.

23           Section 9. This act shall take effect July 1, 2002.

24  
25  
26 ===== T I T L E   A M E N D M E N T =====

27 And the title is amended as follows:

28           On page 1, line 2, after the semicolon,  
29 remove: all of said lines

30  
31 and insert:

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1           An act relating to substance-abuse services;  
2           amending s. 397.311, F.S.; redefining the term  
3           "licensed service provider"; requiring that  
4           licensure standards apply to certain housing  
5           locations; redefining the term "service  
6           provider personnel," to add chief financial  
7           officers; requiring that owners, directors, and  
8           chief financial officers of a substance-abuse  
9           service provider undergo a background check  
10          pursuant to ch. 435, F.S.; requiring that proof  
11          of compliance with local zoning ordinances be  
12          included in the applications for licensure;  
13          amending s. 397.405, F.S.; clarifying that DUI  
14          education and screening services must be  
15          licensed if they provide treatment services;  
16          amending s. 397.407, F.S.; conforming  
17          cross-references; amending s. 397.416, F.S.;  
18          conforming cross-references; amending s.  
19          397.451, F.S.; clarifying provisions; requiring  
20          level-2 background screening for employees who  
21          work with children and with adults who are  
22          developmentally disabled; specifying  
23          circumstances under which service provider  
24          owners, directors, or chief financial officers  
25          are not subject to background screening;  
26          allowing personnel to request, and the  
27          department to grant, an exemption from  
28          disqualification; amending ss. 212.055,  
29          440.102, F.S.; conforming cross-references;  
30          providing an effective date.

31