

By the Council for Healthy Communities and Representative  
Andrews

1                                   A bill to be entitled  
2           An act relating to substance abuse services;  
3           amending s. 397.311, F.S.; redefining the term  
4           "licensed service provider"; requiring that  
5           licensure standards apply to certain  
6           residential treatment locations; redefining the  
7           term "service provider personnel," to add chief  
8           financial officers; amending s. 397.403, F.S.;  
9           requiring that owners, directors, and chief  
10          financial officers of a substance abuse service  
11          provider undergo a background check pursuant to  
12          ch. 435, F.S.; providing for removal of such  
13          person under certain conditions; providing for  
14          revocation of the provider's license for  
15          failure to remove such person; requiring that  
16          proof of compliance with local zoning  
17          ordinances be included in the applications for  
18          licensure; amending s. 397.405, F.S.;  
19          clarifying that DUI education and screening  
20          services must be licensed if they provide  
21          treatment services; amending s. 397.407, F.S.;  
22          conforming cross references; amending s.  
23          397.416, F.S.; conforming cross references;  
24          amending s. 397.451, F.S.; clarifying  
25          provisions relating to background screening of  
26          service provider personnel; requiring level 2  
27          background screening for employees who work  
28          with children and with adults who are  
29          developmentally disabled; specifying  
30          circumstances under which service provider  
31          owners, directors, or chief financial officers

1           are not subject to background screening;  
2           allowing personnel to request, and the  
3           department to grant, an exemption from  
4           disqualification; amending ss. 212.055 and  
5           440.102, F.S.; conforming cross references;  
6           providing an effective date.

7

8 Be It Enacted by the Legislature of the State of Florida:

9

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

12           397.311 Definitions.--As used in this chapter, except  
13 part VIII:

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

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

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

30           (a) Qualified by the requisite expertise and  
31 experience;

1 (b) Having a need to know the applicable information;  
2 and

3 (c) Having the assigned responsibility to carry out  
4 the applicable duty.

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

15 (4)(5) "Beyond the safe management capabilities of the  
16 service provider" refers to a client who is in need of:

- 17 (a) Supervision;  
18 (b) Medical care; or  
19 (c) Services,

20  
21 beyond that which the service provider or service component  
22 can deliver.

23 (5)(6) "Client" means a recipient of alcohol or other  
24 drug services delivered by a service provider but does not  
25 include an inmate pursuant to part VIII unless expressly so  
26 provided.

27 (6)(7) "Client identifying information" means the  
28 name, address, social security number, fingerprints,  
29 photograph, and similar information by which the identity of a  
30 client can be determined with reasonable accuracy and speed

31

1 either directly or by reference to other publicly available  
2 information.

3 (7)~~(8)~~ "Court" means, with respect to all involuntary  
4 proceedings under this chapter, the circuit court of the  
5 county in which the judicial proceeding is pending or where  
6 the substance abuse impaired person resides or is located, and  
7 includes any general or special master that may be appointed  
8 by the chief judge to preside over all or part of such  
9 proceeding. Otherwise, "court" refers to the court of legal  
10 jurisdiction in the context in which the term is used in this  
11 chapter.

12 (8)~~(9)~~ "Department" means the Department of Children  
13 and Family Services.

14 (9)~~(10)~~ "Director" means the chief administrative  
15 officer of a service provider.

16 (10)~~(11)~~ "Disclose" or "disclosure" means a  
17 communication of client identifying information, the  
18 affirmative verification of another person's communication of  
19 client identifying information, or the communication of any  
20 information of a client who has been identified. Any  
21 disclosure made pursuant to this chapter must be limited to  
22 that information which is necessary to carry out the purpose  
23 of the disclosure.

24 (11)~~(12)~~ "Fee system" means a method of establishing  
25 charges for services rendered, in accordance with a client's  
26 ability to pay, used by providers that receive state funds.

27 (12)~~(13)~~ "For profit" means registered as for profit  
28 by the Secretary of State and recognized by the Internal  
29 Revenue Service as a for-profit entity.

30 (13)~~(14)~~ "Habitual abuser" means a person who is  
31 brought to the attention of law enforcement for being

1 substance impaired, who meets the criteria for involuntary  
2 admission in s. 397.675, and who has been taken into custody  
3 for such impairment three or more times during the preceding  
4 12 months.

5 (14)~~(15)~~ "Hospital" means a hospital or hospital-based  
6 component licensed under chapter 395.

7 (15)~~(16)~~ "Impaired" or "substance abuse impaired"  
8 means a condition involving the use of alcoholic beverages or  
9 any psychoactive or mood-altering substance in such a manner  
10 as to induce mental, emotional, or physical problems and cause  
11 socially dysfunctional behavior.

12 (16)~~(17)~~ "Individualized treatment or service plan"  
13 means an immediate and a long-range plan for substance abuse  
14 or ancillary services developed on the basis of a client's  
15 assessed needs.

16 (17)~~(18)~~ "Law enforcement officer" means a law  
17 enforcement officer as defined in s. 943.10(1).

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

26 (a) Addictions receiving facility, which is a  
27 community-based facility designated by the department to  
28 receive, screen, and assess clients found to be substance  
29 abuse impaired, in need of emergency treatment for substance  
30 abuse impairment, or impaired by substance abuse to such an  
31 extent as to meet the criteria for involuntary admission in s.

1 397.675, and to provide detoxification and stabilization. An  
2 addictions receiving facility must be state-owned,  
3 state-operated, or state-contracted, and licensed pursuant to  
4 rules adopted by the department's Substance Abuse Program  
5 Office which include specific authorization for the provision  
6 of levels of care and a requirement of separate accommodations  
7 for adults and minors. Addictions receiving facilities are  
8 designated as secure facilities to provide an intensive level  
9 of care and must have sufficient staff and the authority to  
10 provide environmental security to handle aggressive and  
11 difficult-to-manage behavior and deter elopement.

12 (b) Detoxification, which uses medical and  
13 psychological procedures and a supportive counseling regimen  
14 to assist clients in managing toxicity and withdrawing and  
15 stabilizing from the physiological and psychological effects  
16 of substance abuse impairment.

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

21 1. Facilities that provide room and board and  
22 treatment and rehabilitation within the primary residential  
23 facility; and

24 2. Facilities that are used for room and board only  
25 and in which treatment and rehabilitation activities are  
26 provided on a mandatory basis at locations other than the  
27 primary residential facility. In this case, facilities used  
28 for room and board and for treatment and rehabilitation are  
29 operated under the auspices of the same provider, and  
30 licensing and regulatory requirements would apply to both the  
31

1 residential facility and all other facilities in which  
2 treatment and rehabilitation activities occur.

3 (d) Day and night treatment, which provides a  
4 nonresidential environment with a structured schedule of  
5 treatment and rehabilitation services.

6 (e) Outpatient treatment, which provides individual,  
7 group, or family counseling for clients by appointment during  
8 scheduled operating hours, with an emphasis on assessment and  
9 treatment.

10 (f) Medication and methadone maintenance treatment  
11 that uses methadone or other medication as authorized by state  
12 and federal law, in conjunction with medical, rehabilitative,  
13 and counseling services in the treatment of clients who are  
14 dependent upon opioid drugs.

15 (g) Prevention, which is a process involving  
16 strategies aimed at the individual, the environment, or the  
17 substance, which strategies preclude, forestall, or impede the  
18 development of substance abuse problems and promote  
19 responsible personal and social growth of individuals and  
20 families toward full human potential.

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

25 (19)~~(20)~~ "Not for profit" means registered as not for  
26 profit by the Secretary of State and recognized by the  
27 Internal Revenue Service as a not-for-profit entity.

28 (20)~~(21)~~ "Physician" means a person licensed under  
29 chapter 458 to practice medicine or licensed under chapter 459  
30 to practice osteopathic medicine, and may include, if the  
31 context so indicates, an intern or resident enrolled in an

1 intern or resident training program affiliated with an  
2 approved medical school, hospital, or other facility through  
3 which training programs are normally conducted.

4 (21)~~(22)~~ "Preliminary screening" means the gathering  
5 of initial information to be used in determining a person's  
6 need for assessment or for referral.

7 (22)~~(23)~~ "Private practitioner" means a physician  
8 licensed under chapter 458 or chapter 459, a psychologist  
9 licensed under chapter 490, or a clinical social worker,  
10 marriage and family therapist, or mental health counselor  
11 licensed under chapter 491.

12 (23)~~(24)~~ "Program evaluation" or "evaluation" means a  
13 systematic measurement of a service provider's achievement of  
14 desired client or service outcomes.

15 (24)~~(25)~~ "Qualified professional" means a physician  
16 licensed under chapter 458 or chapter 459; a professional  
17 licensed under chapter 490 or chapter 491; or a person who is  
18 certified through a department-recognized certification  
19 process for substance abuse treatment services and who holds,  
20 at a minimum, a bachelor's degree. A person who is certified  
21 in substance abuse treatment services by a state-recognized  
22 certification process in another state at the time of  
23 employment with a licensed substance abuse provider in this  
24 state may perform the functions of a qualified professional as  
25 defined in this chapter but must meet certification  
26 requirements contained in this subsection no later than 1 year  
27 after his or her date of employment.

28 (25)~~(26)~~ "Quality assurance" means the objective and  
29 internal systematic monitoring of the appropriateness and  
30 quality of client care rendered by a service provider.

31



1           (26)~~(27)~~ "Secure facility," except where the context  
2 indicates a correctional system facility, means a provider  
3 that has the authority to deter the premature departure of a  
4 involuntary clients whose leaving constitutes a violation of a  
5 court order or community-based supervision as provided by law.  
6 The term "secure facility" includes addictions receiving  
7 facilities and facilities authorized by local ordinance for  
8 the treatment of habitual abusers.

9           (27)~~(28)~~ "Service provider" or "provider" means a  
10 public agency, a private for-profit or not-for-profit agency,  
11 a person who is a private practitioner, or a hospital,~~which~~  
12 ~~agency, person, or hospital is~~ licensed under this chapter or  
13 exempt from licensure under this chapter.

14           (28)~~(29)~~ "Service provider personnel" or "personnel"  
15 includes all owners, directors, chief financial officers,  
16 staff, and volunteers, including foster parents, of a service  
17 provider.

18           (29)~~(30)~~ "Stabilization" means:

- 19           (a) Alleviation of a crisis condition; or  
20           (b) Prevention of further deterioration,

21  
22 and connotes short-term emergency treatment.

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

25           397.403 License application.--

26           (1) Applicants for a license under this chapter must  
27 apply to the department on forms provided by the department  
28 and in accordance with rules adopted by the department.  
29 Applications must include at a minimum:

30  
31

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

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

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

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

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

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

27 2. If any owner, director, or chief financial officer  
28 is found guilty of, regardless of adjudication, or has entered  
29 a plea of nolo contendere or guilty to any offense prohibited  
30 under the screening standard while acting in that capacity,  
31 the provider shall immediately remove the person from that

1 position and shall notify the department within 2 days after  
2 such removal, excluding weekends and holidays. Failure to  
3 remove the owner, director, or chief financial officer will  
4 result in revocation of the provider's license.

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

13 (g) A comprehensive outline of the proposed services  
14 for:

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

18 Section 3. Section 397.405, Florida Statutes, is  
19 amended to read:

20 397.405 Exemptions from licensure.--The following are  
21 exempt from the licensing provisions of this chapter:

22 (1) A hospital or hospital-based component licensed  
23 under chapter 395.

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

25 (3) A substance abuse education program established  
26 pursuant to s. 233.061.

27 (4) A facility or institution operated by the Federal  
28 Government.

29 (5) A physician licensed under chapter 458 or chapter  
30 459.

31 (6) A psychologist licensed under chapter 490.

1 (7) A social worker, marriage and family therapist, or  
2 mental health counselor licensed under chapter 491.

3 (8) An established and legally cognizable church or  
4 nonprofit religious organization or ~~denomination, or sect~~  
5 providing substance abuse services, including prevention  
6 services, which are exclusively religious, spiritual, or  
7 ecclesiastical in nature. A church or nonprofit religious  
8 organization or ~~denomination, or sect~~ providing any of the  
9 licensable service components itemized under s.

10 397.311(18)~~(19)~~ is not exempt for purposes of its provision of  
11 such licensable service components but retains its exemption  
12 with respect to all services which are exclusively religious,  
13 spiritual, or ecclesiastical in nature.

14 (9) Facilities licensed under s. 393.063(8) that, in  
15 addition to providing services to persons who are  
16 developmentally disabled as defined therein, also provide  
17 services to persons developmentally at risk as a consequence  
18 of exposure to alcohol or other legal or illegal drugs while  
19 in utero.

20 (10) DUI education and screening services provided  
21 ~~required to be attended~~ pursuant to ss. 316.192, 316.193,  
22 322.095, 322.271, and 322.291 ~~are exempt from licensure under~~  
23 ~~this chapter.~~ Persons or entities providing treatment services  
24 programs must continue to be licensed under this chapter  
25 unless exempted from licensing as provided in this section.

26  
27 The exemptions from licensure in this section do not apply to  
28 any service provider that ~~facility or entity which~~ receives an  
29 appropriation, grant, or contract from the state to operate as  
30 a service provider as defined in this chapter or to any  
31 substance abuse program regulated pursuant to s. 397.406.

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

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

16 397.407 Licensure fees.--

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

1 first year phase-in licensure fees must be at least \$150 per  
2 initial license. The rule must provide for a reduction in  
3 licensure fees for licensed service providers who hold more  
4 than one license.

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

7 397.416 Substance abuse treatment services; qualified  
8 professional.--

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

17 Section 6. Section 397.451, Florida Statutes, is  
18 amended to read:

19 397.451 Background checks of service provider  
20 personnel ~~who have direct contact with unmarried minor clients~~  
21 ~~or clients who are developmentally disabled.--~~

22 (1) PERSONNEL BACKGROUND CHECKS; REQUIREMENTS AND  
23 EXCEPTIONS.--

24 (a) Background checks shall apply as follows:

25 1. All owners, directors, and chief financial officers  
26 of service providers are subject to level 2 background  
27 screening as provided under chapter 435.

28 2. All service provider personnel who have direct  
29 contact with children receiving services or with adults who  
30 are developmentally disabled receiving services are subject to  
31 level 2 background screening as provided under chapter 435.

1 ~~Service provider personnel who have direct contact with~~  
2 ~~unmarried clients under the age of 18 years or with clients~~  
3 ~~who are developmentally disabled are subject to background~~  
4 ~~checks, except as otherwise provided in this section.~~  
5 ~~(b) Students in the health care professions who are~~  
6 ~~interning under the actual physical presence supervision of a~~  
7 ~~licensed health care professional in a service provider~~  
8 ~~licensed under chapter 395, where the primary purpose of the~~  
9 ~~service provider is not the treatment of unmarried minors or~~  
10 ~~of persons who are developmentally disabled, are exempt from~~  
11 ~~the fingerprinting and background check requirements.~~  
12 ~~(c) Personnel working in a service provider licensed~~  
13 ~~under chapter 395 who have less than 15 hours per week of~~  
14 ~~direct contact with unmarried minors or with persons who are~~  
15 ~~developmentally disabled, or personnel who are health care~~  
16 ~~professionals licensed by the Department of Business and~~  
17 ~~Professional Regulation or a board thereunder who are not~~  
18 ~~employed in a service provider where the primary purpose is~~  
19 ~~the treatment of unmarried minors or of persons who are~~  
20 ~~developmentally disabled are exempt from the fingerprinting~~  
21 ~~and background check requirements.~~  
22 (b)(d) Members of a foster family and persons residing  
23 with the foster family who are between 12 and 18 years of age  
24 are not required to be fingerprinted but must have their  
25 backgrounds checked for delinquency records. Members of the  
26 foster family and persons residing with the foster family over  
27 18 years of age are subject to full background checks.  
28 (c)(e) A volunteer who assists on an intermittent  
29 basis for fewer than 40 hours per month and is under direct  
30 and constant supervision by persons who meet all personnel  
31

1 requirements of this chapter is exempt from fingerprinting and  
2 background check requirements.

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

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

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

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



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

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

9 ~~(3)(4) PERSONNEL EXEMPT FROM BEING REFINGERPRINTED OR~~  
10 ~~RECHECKED.--~~

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

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

30 ~~(4)(5) EXEMPTIONS FROM DISQUALIFICATION.--~~  
31

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

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

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

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

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

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

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

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

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

31

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)(~~28~~), that  
9 provides confidential, timely, and expert identification,  
10 assessment, and resolution of employee drug abuse.

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

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