

By Senator Peadar

1-586A-02

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 housing  
6           locations; redefining the term "service  
7           provider personnel," to add managers; requiring  
8           that owners, directors, and managers of a  
9           substance-abuse service provider undergo a  
10          background check pursuant to ch. 435, F.S.;  
11          requiring that proof of compliance with local  
12          zoning ordinances be included in the  
13          applications for licensure; amending s.  
14          397.405, F.S.; clarifying that DUI education  
15          and screening services must be licensed if they  
16          provide treatment services; amending s.  
17          397.407, F.S.; conforming cross-references;  
18          amending s. 397.451, F.S.; clarifying  
19          provisions; specifying circumstances under  
20          which service provider owners, directors, or  
21          managers are not required to be refingerprinted  
22          or rechecked; amending ss. 212.055, 440.102,  
23          F.S.; conforming cross-references; providing an  
24          effective date.

25  
26 Be It Enacted by the Legislature of the State of Florida:

27  
28           Section 1. Section 397.311, Florida Statutes, is  
29          amended to read:  
30                   397.311 Definitions.--As used in this chapter, except  
31          part VIII:

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

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

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

17           (a) Qualified by the requisite expertise and  
18 experience;

19           (b) Having a need to know the applicable information;  
20 and

21           (c) Having the assigned responsibility to carry out  
22 the applicable duty.

23           ~~(4) "Background check" means reviewing the background~~  
24 ~~of service provider personnel who have direct contact with~~  
25 ~~unmarried clients under the age of 18 years or with clients~~  
26 ~~who are developmentally disabled in accordance with the~~  
27 ~~provisions of s. 397.451, and includes, but is not limited to,~~  
28 ~~local criminal records checks through local law enforcement~~  
29 ~~agencies, fingerprinting, statewide criminal records checks~~  
30 ~~through the Department of Law Enforcement, federal criminal~~  
31

1 ~~records checks through the Federal Bureau of Investigation,~~  
2 ~~and employment history checks.~~

3 (4)~~(5)~~ "Beyond the safe management capabilities of the  
4 service provider" refers to a client who is in need of:

- 5 (a) Supervision;  
6 (b) Medical care; or  
7 (c) Services,

8  
9 beyond that which the service provider or service component  
10 can deliver.

11 (5)~~(6)~~ "Client" means a recipient of alcohol or other  
12 drug services delivered by a service provider but does not  
13 include an inmate pursuant to part VIII unless expressly so  
14 provided.

15 (6)~~(7)~~ "Client identifying information" means the  
16 name, address, social security number, fingerprints,  
17 photograph, and similar information by which the identity of a  
18 client can be determined with reasonable accuracy and speed  
19 either directly or by reference to other publicly available  
20 information.

21 (7)~~(8)~~ "Court" means, with respect to all involuntary  
22 proceedings under this chapter, the circuit court of the  
23 county in which the judicial proceeding is pending or where  
24 the substance abuse impaired person resides or is located, and  
25 includes any general or special master that may be appointed  
26 by the chief judge to preside over all or part of such  
27 proceeding. Otherwise, "court" refers to the court of legal  
28 jurisdiction in the context in which the term is used in this  
29 chapter.

30 (8)~~(9)~~ "Department" means the Department of Children  
31 and Family Services.

1           ~~(9)~~(10) "Director" means the chief administrative  
2 officer of a service provider.

3           ~~(10)~~(11) "Disclose" or "disclosure" means a  
4 communication of client identifying information, the  
5 affirmative verification of another person's communication of  
6 client identifying information, or the communication of any  
7 information of a client who has been identified. Any  
8 disclosure made pursuant to this chapter must be limited to  
9 that information which is necessary to carry out the purpose  
10 of the disclosure.

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

14           ~~(12)~~(13) "For profit" means registered as for profit  
15 by the Secretary of State and recognized by the Internal  
16 Revenue Service as a for-profit entity.

17           ~~(13)~~(14) "Habitual abuser" means a person who is  
18 brought to the attention of law enforcement for being  
19 substance impaired, who meets the criteria for involuntary  
20 admission in s. 397.675, and who has been taken into custody  
21 for such impairment three or more times during the preceding  
22 12 months.

23           ~~(14)~~(15) "Hospital" means a hospital or hospital-based  
24 component licensed under chapter 395.

25           ~~(15)~~(16) "Impaired" or "substance abuse impaired"  
26 means a condition involving the use of alcoholic beverages or  
27 any psychoactive or mood-altering substance in such a manner  
28 as to induce mental, emotional, or physical problems and cause  
29 socially dysfunctional behavior.

30           ~~(16)~~(17) "Individualized treatment or service plan"  
31 means an immediate and a long-range plan for substance abuse

1 or ancillary services developed on the basis of a client's  
2 assessed needs.

3 (17)~~(18)~~ "Law enforcement officer" means a law  
4 enforcement officer as defined in s. 943.10(1).

5 (18)~~(19)~~ "Licensed service provider" means a public  
6 agency under this chapter, a private for-profit or  
7 not-for-profit agency under this chapter, a physician ~~licensed~~  
8 ~~under chapter 458 or chapter 459~~, or any other private  
9 practitioner licensed under this chapter, or a hospital that  
10 ~~licensed under chapter 395, which~~ offers substance abuse  
11 impairment services through one or more of the following  
12 licensable service components:

13 (a) Addictions receiving facility, which is a  
14 community-based facility designated by the department to  
15 receive, screen, and assess clients found to be substance  
16 abuse impaired, in need of emergency treatment for substance  
17 abuse impairment, or impaired by substance abuse to such an  
18 extent as to meet the criteria for involuntary admission in s.  
19 397.675, and to provide detoxification and stabilization. An  
20 addictions receiving facility must be state-owned,  
21 state-operated, or state-contracted, and licensed pursuant to  
22 rules adopted by the department's Substance Abuse Program  
23 Office which include specific authorization for the provision  
24 of levels of care and a requirement of separate accommodations  
25 for adults and minors. Addictions receiving facilities are  
26 designated as secure facilities to provide an intensive level  
27 of care and must have sufficient staff and the authority to  
28 provide environmental security to handle aggressive and  
29 difficult-to-manage behavior and deter elopement.

30 (b) Detoxification, which uses medical and  
31 psychological procedures and a supportive counseling regimen

1 to assist clients in managing toxicity and withdrawing and  
2 stabilizing from the physiological and psychological effects  
3 of substance abuse impairment.

4 (c) Residential treatment, which provides a  
5 structured, live-in environment within a nonhospital setting  
6 on a 24-hours-a-day, 7-days-a-week basis, and includes  
7 treatment and rehabilitation provided either onsite or at an  
8 alternative location, and transitional care. This includes  
9 residential facilities that provide room and board but are  
10 exempt under s. 212.08(7)(i). If treatment and rehabilitation  
11 are provided at an alternative location, licensing and  
12 regulatory requirements apply to both the housing and service  
13 components.

14 (d) Day and night treatment, which provides a  
15 nonresidential environment with a structured schedule of  
16 treatment and rehabilitation services.

17 (e) Outpatient treatment, which provides individual,  
18 group, or family counseling for clients by appointment during  
19 scheduled operating hours, with an emphasis on assessment and  
20 treatment.

21 (f) Medication and methadone maintenance treatment  
22 that uses methadone or other medication as authorized by state  
23 and federal law, in conjunction with medical, rehabilitative,  
24 and counseling services in the treatment of clients who are  
25 dependent upon opioid drugs.

26 (g) Prevention, which is a process involving  
27 strategies aimed at the individual, the environment, or the  
28 substance, which strategies preclude, forestall, or impede the  
29 development of substance abuse problems and promote  
30 responsible personal and social growth of individuals and  
31 families toward full human potential.

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

5           (19)~~(20)~~ "Not for profit" means registered as not for  
6 profit by the Secretary of State and recognized by the  
7 Internal Revenue Service as a not-for-profit entity.

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

15           (21)~~(22)~~ "Preliminary screening" means the gathering  
16 of initial information to be used in determining a person's  
17 need for assessment or for referral.

18           (22)~~(23)~~ "Private practitioner" means a physician  
19 licensed under chapter 458 or chapter 459, a psychologist  
20 licensed under chapter 490, or a clinical social worker,  
21 marriage and family therapist, or mental health counselor  
22 licensed under chapter 491.

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

26           (24)~~(25)~~ "Qualified professional" means a physician  
27 licensed under chapter 458 or chapter 459; a professional  
28 licensed under chapter 490 or chapter 491; or a person who is  
29 certified through a department-recognized certification  
30 process for substance abuse treatment services and who holds,  
31 at a minimum, a bachelor's degree. A person who is certified

1 in substance abuse treatment services by a state-recognized  
2 certification process in another state at the time of  
3 employment with a licensed substance abuse provider in this  
4 state may perform the functions of a qualified professional as  
5 defined in this chapter but must meet certification  
6 requirements contained in this subsection no later than 1 year  
7 after his or her date of employment.

8       (25)~~(26)~~ "Quality assurance" means the objective and  
9 internal systematic monitoring of the appropriateness and  
10 quality of client care rendered by a service provider.

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

19       (27)~~(28)~~ "Service provider" or "provider" means a  
20 public agency, a private for-profit or not-for-profit agency,  
21 a person who is a private practitioner, or a hospital, ~~which~~  
22 ~~agency, person, or hospital is~~ licensed under this chapter or  
23 exempt from licensure under this chapter.

24       (28)~~(29)~~ "Service provider personnel" or "personnel"  
25 includes all owners, directors, managers, staff, and  
26 volunteers, including foster parents, of a service provider.

27       (29)~~(30)~~ "Stabilization" means:

- 28           (a) Alleviation of a crisis condition; or  
29           (b) Prevention of further deterioration,

30  
31 and connotes short-term emergency treatment.



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

3 397.403 License application.--

4 (1) Applicants for a license under this chapter must  
5 apply to the department on forms provided by the department  
6 and in accordance with rules adopted by the department.  
7 Applications must include at a minimum:

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

11 (b) Information establishing the competency and  
12 ability of the applicant service provider and its director to  
13 carry out the requirements of this chapter.

14 (c) Proof satisfactory to the department of the  
15 applicant service provider's financial ability and  
16 organizational capability to operate in accordance with this  
17 chapter.

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

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

23 1. If the results of the level-2 background screening  
24 indicate that any owner, director, or manager has been found  
25 guilty of, regardless of adjudication, or has entered a plea  
26 of nolo contendere or guilty to any offense prohibited under  
27 the level-2 screening standard, a license may not be issued to  
28 the applicant service provider unless an exemption from  
29 disqualification has been granted by the department as set  
30 forth in chapter 435. The owner, director, or manager has 90

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1 days within which to obtain the required exemption, during  
2 which time the applicant's license remains in effect.

3 2. If any owner, director, or manager is arrested or  
4 found guilty of, regardless of adjudication, or has entered a  
5 plea of nolo contendere or guilty to any offense prohibited  
6 under the level-2 screening standard while acting in that  
7 capacity, the provider shall immediately remove the person  
8 from that position and shall notify the department within 2  
9 days after such removal, excluding weekends and holidays.

10 Failure to remove the owner, director, or manager will result  
11 in revocation of the provider's license.

12 (f) Proof of satisfactory fire, safety, and health  
13 inspections, and compliance with local zoning ordinances, and  
14 other requirements of local government that are not  
15 inconsistent with state law.

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

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

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

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

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

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

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

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

- 1           (5) A physician licensed under chapter 458 or chapter  
2 459.
- 3           (6) A psychologist licensed under chapter 490.
- 4           (7) A social worker, marriage and family therapist, or  
5 mental health counselor licensed under chapter 491.
- 6           (8) An established and legally cognizable church or  
7 nonprofit religious organization or ~~denomination, or sect~~  
8 providing substance abuse services, including prevention  
9 services, which are exclusively religious, spiritual, or  
10 ecclesiastical in nature. A church or nonprofit religious  
11 organization, denomination, or sect providing any of the  
12 licensable service components itemized under s. 397.311(19) is  
13 not exempt for purposes of its provision of such licensable  
14 service components but retains its exemption with respect to  
15 all services which are exclusively religious, spiritual, or  
16 ecclesiastical in nature.
- 17           (9) Facilities licensed under s. 393.063(8) that, in  
18 addition to providing services to persons who are  
19 developmentally disabled as defined therein, also provide  
20 services to persons developmentally at risk as a consequence  
21 of exposure to alcohol or other legal or illegal drugs while  
22 in utero.
- 23           (10) DUI education and screening services provided  
24 ~~required to be attended~~ pursuant to ss. 316.192, 316.193,  
25 322.095, 322.271, and 322.291 ~~are exempt from licensure under~~  
26 ~~this chapter.~~ Persons or entities providing treatment  
27 services programs must ~~continue to~~ be licensed under this  
28 chapter unless exempted from licensing as provided in this  
29 section.
- 30
- 31

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

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

21 397.407 Licensure fees.--

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

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

10 Section 5. Section 397.451, Florida Statutes, is  
11 amended to read:

12 397.451 Background checks of service provider  
13 ~~personnel who have direct contact with unmarried minor clients~~  
14 ~~or clients who are developmentally disabled.--~~

15 (1) PERSONNEL BACKGROUND CHECKS; REQUIREMENTS AND  
16 EXCEPTIONS.--

17 (a) All owners, directors, and managers of service  
18 providers and all service provider personnel who have direct  
19 contact with children and adults receiving services ~~unmarried~~  
20 ~~clients under the age of 18 years or with clients who are~~  
21 ~~developmentally disabled~~ are subject to level-2 background  
22 screening, as provider under chapter 435 checks, except as  
23 otherwise provided in this section.

24 (b) ~~Students in the health care professions who are~~  
25 ~~interning under the actual physical presence supervision of a~~  
26 ~~licensed health care professional in a service provider~~  
27 ~~licensed under chapter 395, where the primary purpose of the~~  
28 ~~service provider is not the treatment of unmarried minors or~~  
29 ~~of persons who are developmentally disabled, are exempt from~~  
30 ~~the fingerprinting and background check requirements.~~

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1           ~~(c)~~ Personnel working in a service provider licensed  
2 under chapter 395 who have less than 15 hours per week of  
3 direct contact with unmarried minors or with persons who are  
4 developmentally disabled, or personnel who are health care  
5 professionals licensed by the Department of Business and  
6 Professional Regulation or a board thereunder who are not  
7 employed in a service provider where the primary purpose is  
8 the treatment of unmarried minors or of persons who are  
9 developmentally disabled are exempt from the fingerprinting  
10 and background check requirements.

11           (b)~~(d)~~ Members of a foster family and persons residing  
12 with the foster family who are between 12 and 18 years of age  
13 are not required to be fingerprinted but must have their  
14 backgrounds checked for delinquency records. Members of the  
15 foster family and persons residing with the foster family over  
16 18 years of age are subject to full background checks.

17           ~~(c)~~(e) A volunteer who assists on an intermittent  
18 basis for fewer than 20 ~~40~~ hours per month and is under direct  
19 and constant supervision by persons who meet all personnel  
20 requirements of this chapter is exempt from fingerprinting and  
21 background check requirements.

22           (d)~~(f)~~ Service providers that are exempt from  
23 licensing provisions of this chapter are exempt from personnel  
24 fingerprinting and background check requirements, except as  
25 otherwise provided in this section. A church or nonprofit  
26 religious organization exempt from licensure under this  
27 chapter is required to comply with personnel fingerprinting  
28 and background check requirements.

29           (e)~~(g)~~ Personnel employed by the Department of  
30 Corrections in a substance abuse service component who have  
31 direct contact with unmarried inmates under the age of 18 or

1 with inmates who are developmentally disabled are exempt from  
2 the fingerprinting and background check requirements of this  
3 section.

4 (2) EMPLOYMENT HISTORY CHECKS; CHECKS OF  
5 REFERENCES.--The department shall assess employment history  
6 checks and checks of references for all owners, directors, and  
7 managers, and the directors shall assess employment history  
8 checks and checks of references for each employee who has  
9 direct contact with children and adults receiving services  
10 ~~unmarried clients under the age of 18 years or with clients~~  
11 ~~who are developmentally disabled.~~

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

18 (3)~~(4)~~ PERSONNEL EXEMPT FROM BEING REFINGERPRINTED OR  
19 RECHECKED.--

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

1           **(b)** Service provider owners, directors, or managers  
2 who are not covered by paragraph (a) who provide proof of  
3 compliance with the level-2 background screening requirements  
4 which has been submitted within the previous 5 years in  
5 compliance with any other state health care licensure  
6 requirements are not required to be refingerprinted or  
7 rechecked.

8           **(4)**~~(5)~~ EXEMPTIONS FROM DISQUALIFICATION.--

9           (a) The department may grant to any service provider  
10 personnel an exemption from disqualification ~~from working with~~  
11 ~~children or the developmentally disabled~~ as provided in s.  
12 435.07.

13           (b) Since rehabilitated substance abuse impaired  
14 persons are effective in the successful treatment and  
15 rehabilitation of substance abuse impaired adolescents, for  
16 service providers which treat adolescents 13 years of age and  
17 older, service provider personnel whose background checks  
18 indicate crimes under s. 817.563, s. 893.13, or s. 893.147  
19 may be exempted from disqualification from employment pursuant  
20 to this paragraph.

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

26           **(6)**~~(7)~~ DISQUALIFICATION FROM RECEIVING STATE  
27 FUNDS.--State funds may not be disseminated to any service  
28 provider owned or operated by an owner, or director, or  
29 manager who has been convicted of, has entered a plea of  
30 guilty or nolo contendere to, or has had adjudication withheld  
31 for, a violation of s. 893.135 pertaining to trafficking in



1 controlled substances, or a violation of the law of another  
2 state, the District of Columbia, the United States or any  
3 possession or territory thereof, or any foreign jurisdiction  
4 which is substantially similar in elements and penalties to a  
5 trafficking offense in this state, unless the owner's or  
6 director's civil rights have been restored.

7 Section 6. Paragraph (e) of subsection (5) of section  
8 212.055, Florida Statutes, is amended to read:

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

22 (5) COUNTY PUBLIC HOSPITAL SURTAX.--Any county as  
23 defined in s. 125.011(1) may levy the surtax authorized in  
24 this subsection pursuant to an ordinance either approved by  
25 extraordinary vote of the county commission or conditioned to  
26 take effect only upon approval by a majority vote of the  
27 electors of the county voting in a referendum. In a county as  
28 defined in s. 125.011(1), for the purposes of this subsection,  
29 "county public general hospital" means a general hospital as  
30 defined in s. 395.002 which is owned, operated, maintained, or  
31

1 governed by the county or its agency, authority, or public  
2 health trust.

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

29 1. The plan shall divide the county into a minimum of  
30 four and maximum of six service areas, with no more than one  
31 participant hospital per service area. The county public

1 general hospital shall be designated as the provider for one  
2 of the service areas. Services shall be provided through  
3 participants' primary acute care facilities.

4           2. The plan and subsequent amendments to it shall fund  
5 a defined range of health care services for both indigent  
6 persons and the medically poor, including primary care,  
7 preventive care, hospital emergency room care, and hospital  
8 care necessary to stabilize the patient. For the purposes of  
9 this section, "stabilization" means stabilization as defined  
10 in s. 397.311(29)~~s. 397.311(30)~~. Where consistent with these  
11 objectives, the plan may include services rendered by  
12 physicians, clinics, community hospitals, and alternative  
13 delivery sites, as well as at least one regional referral  
14 hospital per service area. The plan shall provide that  
15 agreements negotiated between the governing board, agency, or  
16 authority and providers shall recognize hospitals that render  
17 a disproportionate share of indigent care, provide other  
18 incentives to promote the delivery of charity care to draw  
19 down federal funds where appropriate, and require cost  
20 containment, including, but not limited to, case management.  
21 From the funds specified in subparagraphs (d)1. and 2. for  
22 indigent health care services, service providers shall receive  
23 reimbursement at a Medicaid rate to be determined by the  
24 governing board, agency, or authority created pursuant to this  
25 paragraph for the initial emergency room visit, and a  
26 per-member per-month fee or capitation for those members  
27 enrolled in their service area, as compensation for the  
28 services rendered following the initial emergency visit.  
29 Except for provisions of emergency services, upon  
30 determination of eligibility, enrollment shall be deemed to  
31 have occurred at the time services were rendered. The

1 provisions for specific reimbursement of emergency services  
2 shall be repealed on July 1, 2001, unless otherwise reenacted  
3 by the Legislature. The capitation amount or rate shall be  
4 determined prior to program implementation by an independent  
5 actuarial consultant. In no event shall such reimbursement  
6 rates exceed the Medicaid rate. The plan must also provide  
7 that any hospitals owned and operated by government entities  
8 on or after the effective date of this act must, as a  
9 condition of receiving funds under this subsection, afford  
10 public access equal to that provided under s. 286.011 as to  
11 any meeting of the governing board, agency, or authority the  
12 subject of which is budgeting resources for the retention of  
13 charity care, as that term is defined in the rules of the  
14 Agency for Health Care Administration. The plan shall also  
15 include innovative health care programs that provide  
16 cost-effective alternatives to traditional methods of service  
17 and delivery funding.

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

22           4. Eligible residents who participate in the health  
23 care plan shall receive coverage for a period of 12 months or  
24 the period extending from the time of enrollment to the end of  
25 the current fiscal year, per enrollment period, whichever is  
26 less.

27           5. At the end of each fiscal year, the governing  
28 board, agency, or authority shall prepare an audit that  
29 reviews the budget of the plan, delivery of services, and  
30 quality of services, and makes recommendations to increase the  
31 plan's efficiency. The audit shall take into account

1 participant hospital satisfaction with the plan and assess the  
2 amount of poststabilization patient transfers requested, and  
3 accepted or denied, by the county public general hospital.

4 Section 7. Paragraphs (d) and (g) of subsection (1) of  
5 section 440.102, Florida Statutes, are amended to read:

6 440.102 Drug-free workplace program requirements.--The  
7 following provisions apply to a drug-free workplace program  
8 implemented pursuant to law or to rules adopted by the Agency  
9 for Health Care Administration:

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

12 (d) "Drug rehabilitation program" means a service  
13 provider, established pursuant to s. 397.311(27)~~s.~~  
14 ~~397.311(28)~~, that provides confidential, timely, and expert  
15 identification, assessment, and resolution of employee drug  
16 abuse.

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

28 Section 8. This act shall take effect July 1, 2002.

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SENATE SUMMARY

Relates to substance-abuse services. Amends the definition of the term "licensed service provider." Requires licensure standards to apply to certain housing locations. Redefines the term "service provider personnel" to add managers. Requires owners, directors, and managers of a substance-abuse service provider to undergo a background check pursuant to ch. 435, F.S. Requires that proof of compliance with local zoning ordinances be included in applications for licensure. Clarifies that DUI education and screening services must be licensed if they provide treatment services. Specifies circumstances in which service provider owners, directors, or managers need not be refingerprinted or rechecked.