

By the Committee on Children and Families; and Senator Peadar

300-1779C-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 chief financial
8 officers; requiring that owners, directors, and
9 chief financial officers of a substance-abuse
10 service provider undergo a background check
11 pursuant to ch. 435, F.S.; requiring that proof
12 of compliance with local zoning ordinances be
13 included in the applications for licensure;
14 amending s. 397.405, F.S.; clarifying that DUI
15 education and screening services must be
16 licensed if they provide treatment services;
17 amending s. 397.407, F.S.; conforming
18 cross-references; amending s. 397.416, F.S.;
19 conforming cross-references; amending s.
20 397.451, F.S.; clarifying provisions; requiring
21 level-2 background screening for employees who
22 work with children and with adults who are
23 developmentally disabled; specifying
24 circumstances under which service provider
25 owners, directors, or chief financial officers
26 are not subject to background screening;
27 allowing personnel to request, and the
28 department to grant, an exemption from
29 disqualification; amending ss. 212.055,
30 440.102, F.S.; conforming cross-references;
31 providing an effective date.

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

2

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

5 397.311 Definitions.--As used in this chapter, except
6 part VIII:

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

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

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

23 (a) Qualified by the requisite expertise and
24 experience;

25 (b) Having a need to know the applicable information;
26 and

27 (c) Having the assigned responsibility to carry out
28 the applicable duty.

29 ~~(4) "Background check" means reviewing the background~~
30 ~~of service provider personnel who have direct contact with~~
31 ~~unmarried clients under the age of 18 years or with clients~~

1 ~~who are developmentally disabled in accordance with the~~
2 ~~provisions of s. 397.451, and includes, but is not limited to,~~
3 ~~local criminal records checks through local law enforcement~~
4 ~~agencies, fingerprinting, statewide criminal records checks~~
5 ~~through the Department of Law Enforcement, federal criminal~~
6 ~~records checks through the Federal Bureau of Investigation,~~
7 ~~and employment history checks.~~

8 (4)~~(5)~~ "Beyond the safe management capabilities of the
9 service provider" refers to a client who is in need of:

- 10 (a) Supervision;
11 (b) Medical care; or
12 (c) Services,

13

14 beyond that which the service provider or service component
15 can deliver.

16 (5)~~(6)~~ "Client" means a recipient of alcohol or other
17 drug services delivered by a service provider but does not
18 include an inmate pursuant to part VIII unless expressly so
19 provided.

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

26 (7)~~(8)~~ "Court" means, with respect to all involuntary
27 proceedings under this chapter, the circuit court of the
28 county in which the judicial proceeding is pending or where
29 the substance abuse impaired person resides or is located, and
30 includes any general or special master that may be appointed
31 by the chief judge to preside over all or part of such

1 proceeding. Otherwise, "court" refers to the court of legal
2 jurisdiction in the context in which the term is used in this
3 chapter.

4 (8)~~(9)~~ "Department" means the Department of Children
5 and Family Services.

6 (9)~~(10)~~ "Director" means the chief administrative
7 officer of a service provider.

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

16 (11)~~(12)~~ "Fee system" means a method of establishing
17 charges for services rendered, in accordance with a client's
18 ability to pay, used by providers that receive state funds.

19 (12)~~(13)~~ "For profit" means registered as for profit
20 by the Secretary of State and recognized by the Internal
21 Revenue Service as a for-profit entity.

22 (13)~~(14)~~ "Habitual abuser" means a person who is
23 brought to the attention of law enforcement for being
24 substance impaired, who meets the criteria for involuntary
25 admission in s. 397.675, and who has been taken into custody
26 for such impairment three or more times during the preceding
27 12 months.

28 (14)~~(15)~~ "Hospital" means a hospital or hospital-based
29 component licensed under chapter 395.

30 (15)~~(16)~~ "Impaired" or "substance abuse impaired"
31 means a condition involving the use of alcoholic beverages or

1 any psychoactive or mood-altering substance in such a manner
2 as to induce mental, emotional, or physical problems and cause
3 socially dysfunctional behavior.

4 (16)~~(17)~~ "Individualized treatment or service plan"
5 means an immediate and a long-range plan for substance abuse
6 or ancillary services developed on the basis of a client's
7 assessed needs.

8 (17)~~(18)~~ "Law enforcement officer" means a law
9 enforcement officer as defined in s. 943.10(1).

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

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

1 of care and must have sufficient staff and the authority to
2 provide environmental security to handle aggressive and
3 difficult-to-manage behavior and deter elopement.

4 (b) Detoxification, which uses medical and
5 psychological procedures and a supportive counseling regimen
6 to assist clients in managing toxicity and withdrawing and
7 stabilizing from the physiological and psychological effects
8 of substance abuse impairment.

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

13 1. Facilities that provide room and board and
14 treatment and rehabilitation within the primary residential
15 facility; and

16 2. Facilities that are used for room and board only
17 and in which treatment and rehabilitation activities are
18 provided on a mandatory basis at locations other than the
19 primary residential facility. In this case, facilities used
20 for room and board and for treatment and rehabilitation are
21 operated under the auspices of the same provider, and
22 licensing and regulatory requirements would apply to both the
23 residential facility and all other facilities in which
24 treatment and rehabilitation activities occur.

25 (d) Day and night treatment, which provides a
26 nonresidential environment with a structured schedule of
27 treatment and rehabilitation services.

28 (e) Outpatient treatment, which provides individual,
29 group, or family counseling for clients by appointment during
30 scheduled operating hours, with an emphasis on assessment and
31 treatment.

1 (f) Medication and methadone maintenance treatment
2 that uses methadone or other medication as authorized by state
3 and federal law, in conjunction with medical, rehabilitative,
4 and counseling services in the treatment of clients who are
5 dependent upon opioid drugs.

6 (g) Prevention, which is a process involving
7 strategies aimed at the individual, the environment, or the
8 substance, which strategies preclude, forestall, or impede the
9 development of substance abuse problems and promote
10 responsible personal and social growth of individuals and
11 families toward full human potential.

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

16 (19)~~(20)~~ "Not for profit" means registered as not for
17 profit by the Secretary of State and recognized by the
18 Internal Revenue Service as a not-for-profit entity.

19 (20)~~(21)~~ "Physician" means a person licensed under
20 chapter 458 to practice medicine or licensed under chapter 459
21 to practice osteopathic medicine, and may include, if the
22 context so indicates, an intern or resident enrolled in an
23 intern or resident training program affiliated with an
24 approved medical school, hospital, or other facility through
25 which training programs are normally conducted.

26 (21)~~(22)~~ "Preliminary screening" means the gathering
27 of initial information to be used in determining a person's
28 need for assessment or for referral.

29 (22)~~(23)~~ "Private practitioner" means a physician
30 licensed under chapter 458 or chapter 459, a psychologist
31 licensed under chapter 490, or a clinical social worker,

1 marriage and family therapist, or mental health counselor
2 licensed under chapter 491.

3 ~~(23)~~(24) "Program evaluation" or "evaluation" means a
4 systematic measurement of a service provider's achievement of
5 desired client or service outcomes.

6 ~~(24)~~(25) "Qualified professional" means a physician
7 licensed under chapter 458 or chapter 459; a professional
8 licensed under chapter 490 or chapter 491; or a person who is
9 certified through a department-recognized certification
10 process for substance abuse treatment services and who holds,
11 at a minimum, a bachelor's degree. A person who is certified
12 in substance abuse treatment services by a state-recognized
13 certification process in another state at the time of
14 employment with a licensed substance abuse provider in this
15 state may perform the functions of a qualified professional as
16 defined in this chapter but must meet certification
17 requirements contained in this subsection no later than 1 year
18 after his or her date of employment.

19 ~~(25)~~(26) "Quality assurance" means the objective and
20 internal systematic monitoring of the appropriateness and
21 quality of client care rendered by a service provider.

22 ~~(26)~~(27) "Secure facility," except where the context
23 indicates a correctional system facility, means a provider
24 that has the authority to deter the premature departure of
25 involuntary clients whose leaving constitutes a violation of a
26 court order or community-based supervision as provided by law.
27 The term "secure facility" includes addictions receiving
28 facilities and facilities authorized by local ordinance for
29 the treatment of habitual abusers.

30 ~~(27)~~(28) "Service provider" or "provider" means a
31 public agency, a private for-profit or not-for-profit agency,

1 a person who is a private practitioner, or a hospital, ~~which~~
2 ~~agency, person, or hospital is~~ licensed under this chapter or
3 exempt from licensure under this chapter.

4 (28)~~(29)~~ "Service provider personnel" or "personnel"
5 includes all owners, directors, chief financial officers,
6 staff, and volunteers, including foster parents, of a service
7 provider.

8 (29)~~(30)~~ "Stabilization" means:

- 9 (a) Alleviation of a crisis condition; or
10 (b) Prevention of further deterioration,

11

12 and connotes short-term emergency treatment.

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

15 397.403 License application.--

16 (1) Applicants for a license under this chapter must
17 apply to the department on forms provided by the department
18 and in accordance with rules adopted by the department.

19 Applications must include at a minimum:

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

23 (b) Information establishing the competency and
24 ability of the applicant service provider and its director to
25 carry out the requirements of this chapter.

26 (c) Proof satisfactory to the department of the
27 applicant service provider's financial ability and
28 organizational capability to operate in accordance with this
29 chapter.

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

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

4 1. If the results of the background screening indicate
5 that any owner, director, or chief financial officer has been
6 found guilty of, regardless of adjudication, or has entered a
7 plea of nolo contendere or guilty to any offense prohibited
8 under the screening standard, a license may not be issued to
9 the applicant service provider unless an exemption from
10 disqualification has been granted by the department as set
11 forth in chapter 435. The owner, director, or manager has 90
12 days within which to obtain the required exemption, during
13 which time the applicant's license remains in effect.

14 2. If any owner, director, or chief financial officer
15 is arrested or found guilty of, regardless of adjudication, or
16 has entered a plea of nolo contendere or guilty to any offense
17 prohibited under the screening standard while acting in that
18 capacity, the provider shall immediately remove the person
19 from that position and shall notify the department within 2
20 days after such removal, excluding weekends and holidays.
21 Failure to remove the owner, director, or manager will result
22 in revocation of the provider's license.

23 (f) Proof of satisfactory fire, safety, and health
24 inspections, and compliance with local zoning ordinances.
25 Service providers operating under a regular annual license
26 shall have 18 months from the expiration date of their regular
27 license within which to meet local zoning requirements.
28 Applicants for a new license must demonstrate proof of
29 compliance with zoning requirements prior to the department
30 issuing a probationary license.

31

1 (g) A comprehensive outline of the proposed services
2 for:

- 3 1. Any new applicant; or
- 4 2. Any licensed service provider adding a new
5 licensable service component.

6 Section 3. Section 397.405, Florida Statutes, is
7 amended to read:

8 397.405 Exemptions from licensure.--The following are
9 exempt from the licensing provisions of this chapter:

- 10 (1) A hospital or hospital-based component licensed
11 under chapter 395.
- 12 (2) A nursing home facility as defined in s. 400.021.
- 13 (3) A substance abuse education program established
14 pursuant to s. 233.061.
- 15 (4) A facility or institution operated by the Federal
16 Government.
- 17 (5) A physician licensed under chapter 458 or chapter
18 459.
- 19 (6) A psychologist licensed under chapter 490.
- 20 (7) A social worker, marriage and family therapist, or
21 mental health counselor licensed under chapter 491.
- 22 (8) An established and legally cognizable church or
23 nonprofit religious organization or ~~denomination, or sect~~
24 providing substance abuse services, including prevention
25 services, which are exclusively religious, spiritual, or
26 ecclesiastical in nature. A church or nonprofit religious
27 organization or ~~denomination, or sect~~ providing any of the
28 licensable service components itemized under s. 397.311(18) ~~s.~~
29 ~~397.311(19)~~ is not exempt for purposes of its provision of
30 such licensable service components but retains its exemption
31

1 with respect to all services which are exclusively religious,
2 spiritual, or ecclesiastical in nature.

3 (9) Facilities licensed under s. 393.063(8) that, in
4 addition to providing services to persons who are
5 developmentally disabled as defined therein, also provide
6 services to persons developmentally at risk as a consequence
7 of exposure to alcohol or other legal or illegal drugs while
8 in utero.

9 (10) DUI education and screening services provided
10 ~~required to be attended~~ pursuant to ss. 316.192, 316.193,
11 322.095, 322.271, and 322.291 ~~are exempt from licensure under~~
12 ~~this chapter.~~ Persons or entities providing treatment
13 services programs must ~~continue to~~ be licensed under this
14 chapter unless exempted from licensing as provided in this
15 section.

16
17 The exemptions from licensure in this section do not apply to
18 any service provider that facility or entity which receives an
19 appropriation, grant, or contract from the state to operate as
20 a service provider as defined in this chapter or to any
21 substance abuse program regulated pursuant to s. 397.406.
22 Furthermore, No provision of this chapter may not shall be
23 construed to limit the practice of a physician licensed under
24 chapter 458 or chapter 459, a psychologist licensed under
25 chapter 490, or a psychotherapist licensed under chapter 491
26 who provides, ~~providing outpatient or inpatient~~ substance
27 abuse treatment ~~to a voluntary patient~~, so long as the
28 physician, psychologist, or psychotherapist does not represent
29 to the public that he or she is a licensed service provider
30 and does not provide services to clients pursuant to part V of
31 this chapter under this act. Failure to comply with any

1 requirement necessary to maintain an exempt status under this
2 section is a misdemeanor of the first degree, punishable as
3 provided in s. 775.082 or s. 775.083.

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

6 397.407 Licensure fees.--

7 (1) The department shall establish licensure fees by
8 rule. The rule must prescribe a fee range that is based, at
9 least in part, on the number and complexity of programs listed
10 in s. 397.311(18)~~s. 397.311(19)~~ which are operated by a
11 licensee. The fee range must be implemented over a 5-year
12 period. The fee schedule for licensure of service components
13 must be increased annually in substantially equal increments
14 so that, by July 1, 1998, the fees from the licensure of
15 service components are sufficient to cover at least 50 percent
16 of the costs of regulating the service components. The
17 department shall specify by rule a fee range and phase-in plan
18 for privately funded licensed service providers and a fee
19 range and phase-in plan for publicly funded licensed service
20 providers. Fees for privately funded licensed service
21 providers must exceed the fees for publicly funded licensed
22 service providers. The first year phase-in licensure fees
23 must be at least \$150 per initial license. The rule must
24 provide for a reduction in licensure fees for licensed service
25 providers who hold more than one license.

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

28 397.416 Substance abuse treatment services; qualified
29 professional.--

30 (2) Notwithstanding any other provision of law, a
31 person who was certified through a certification process

1 recognized by the former Department of Health and
2 Rehabilitative Services before January 1, 1995, may perform
3 the duties of a qualified professional with respect to
4 substance abuse treatment services as defined in this chapter,
5 and need not meet the certification requirements contained in
6 s. 397.311(24)~~s. 397.311(25)~~.

7 Section 6. Section 397.451, Florida Statutes, is
8 amended to read:

9 397.451 Background checks of service provider
10 personnel ~~who have direct contact with unmarried minor clients~~
11 ~~or clients who are developmentally disabled.--~~

12 (1) PERSONNEL BACKGROUND CHECKS; REQUIREMENTS AND
13 EXCEPTIONS.--

14 (a) Background checks shall apply as follows:

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

18 2. All service provider personnel who have direct
19 contact with children receiving services or with adults who
20 are developmentally disabled receiving services are subject to
21 level-2 background screening as provided under chapter 435.

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

26 ~~(b) Students in the health care professions who are~~
27 ~~interning under the actual physical presence supervision of a~~
28 ~~licensed health care professional in a service provider~~
29 ~~licensed under chapter 395, where the primary purpose of the~~
30 ~~service provider is not the treatment of unmarried minors or~~

31

1 ~~of persons who are developmentally disabled, are exempt from~~
2 ~~the fingerprinting and background check requirements.~~

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

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

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

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

31

1 ~~(e)(g)~~ Personnel employed by the Department of
2 Corrections in a substance abuse service component who have
3 direct contact with unmarried inmates under the age of 18 or
4 with inmates who are developmentally disabled are exempt from
5 the fingerprinting and background check requirements of this
6 section.

7 (f) Service provider personnel who request an
8 exemption from disqualification must submit the request within
9 30 days after being notified of a pending disqualification.
10 The employment of service provider personnel shall not be
11 adversely affected pending disposition of the request for an
12 exemption. Disapproval of a request for an exemption shall
13 result in the immediate dismissal of the service provider
14 personnel from employment with the provider.

15 (2) EMPLOYMENT HISTORY CHECKS; CHECKS OF
16 REFERENCES.--The department shall assess employment history
17 checks and checks of references for all owners, directors, and
18 chief financial officers,and the directors shall assess
19 employment history checks and checks of references for each
20 employee who has direct contact with children receiving
21 services or adults who are developmentally disabled receiving
22 services ~~unmarried clients under the age of 18 years or with~~
23 ~~clients who are developmentally disabled.~~

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

30 (3)(4) PERSONNEL EXEMPT FROM BEING REFINGERPRINTED OR
31 RECHECKED.--

1 (a) Service provider personnel who have been
2 fingerprinted or had their backgrounds checked pursuant to
3 chapter 393, chapter 394, chapter 402, or chapter 409, or this
4 section, and teachers who have been fingerprinted pursuant to
5 chapter 231, who have not been unemployed for more than 90
6 days thereafter and who, under the penalty of perjury, attest
7 to the completion of such fingerprinting or background checks
8 and to compliance with the provisions of this section and the
9 standards contained in chapter 435 and this section, are not
10 required to be refingerprinted or rechecked ~~in order to comply~~
11 ~~with service provider personnel fingerprinting or background~~
12 ~~check requirements.~~

13 (b) Service provider owners, directors, or chief
14 financial officers who are not covered by paragraph (a) who
15 provide proof of compliance with the level-2 background
16 screening requirements which has been submitted within the
17 previous 5 years in compliance with any other state health
18 care licensure requirements are not required to be
19 refingerprinted or rechecked.

20 (4)(5) EXEMPTIONS FROM DISQUALIFICATION.--

21 (a) The department may grant to any service provider
22 personnel an exemption from disqualification ~~from working with~~
23 ~~children or the developmentally disabled~~ as provided in s.
24 435.07.

25 (b) Since rehabilitated substance abuse impaired
26 persons are effective in the successful treatment and
27 rehabilitation of substance abuse impaired adolescents, for
28 service providers which treat adolescents 13 years of age and
29 older, service provider personnel whose background checks
30 indicate crimes under s. 817.563, s. 893.13, or s. 893.147
31

1 may be exempted from disqualification from employment pursuant
2 to this paragraph.

3 (c) The department may grant exemptions from
4 disqualification which would limit service provider personnel
5 to working with adults in substance-abuse-treatment
6 facilities.

7 (5)(6) PAYMENT FOR PROCESSING OF FINGERPRINTS AND
8 STATE CRIMINAL RECORDS CHECKS.--The employing service provider
9 or the personnel who are having their backgrounds checked are
10 responsible for paying the costs of processing fingerprints
11 and criminal records checks.

12 (6)(7) DISQUALIFICATION FROM RECEIVING STATE
13 FUNDS.--State funds may not be disseminated to any service
14 provider owned or operated by an owner, or director, or chief
15 financial officer who has been convicted of, has entered a
16 plea of guilty or nolo contendere to, or has had adjudication
17 withheld for, a violation of s. 893.135 pertaining to
18 trafficking in controlled substances, or a violation of the
19 law of another state, the District of Columbia, the United
20 States or any possession or territory thereof, or any foreign
21 jurisdiction which is substantially similar in elements and
22 penalties to a trafficking offense in this state, unless the
23 owner's or director's civil rights have been restored.

24 Section 7. Paragraph (e) of subsection (5) of section
25 212.055, Florida Statutes, is amended to read:

26 212.055 Discretionary sales surtaxes; legislative
27 intent; authorization and use of proceeds.--It is the
28 legislative intent that any authorization for imposition of a
29 discretionary sales surtax shall be published in the Florida
30 Statutes as a subsection of this section, irrespective of the
31 duration of the levy. Each enactment shall specify the types

1 of counties authorized to levy; the rate or rates which may be
2 imposed; the maximum length of time the surtax may be imposed,
3 if any; the procedure which must be followed to secure voter
4 approval, if required; the purpose for which the proceeds may
5 be expended; and such other requirements as the Legislature
6 may provide. Taxable transactions and administrative
7 procedures shall be as provided in s. 212.054.

8 (5) COUNTY PUBLIC HOSPITAL SURTAX.--Any county as
9 defined in s. 125.011(1) may levy the surtax authorized in
10 this subsection pursuant to an ordinance either approved by
11 extraordinary vote of the county commission or conditioned to
12 take effect only upon approval by a majority vote of the
13 electors of the county voting in a referendum. In a county as
14 defined in s. 125.011(1), for the purposes of this subsection,
15 "county public general hospital" means a general hospital as
16 defined in s. 395.002 which is owned, operated, maintained, or
17 governed by the county or its agency, authority, or public
18 health trust.

19 (e) A governing board, agency, or authority shall be
20 chartered by the county commission upon this act becoming law.
21 The governing board, agency, or authority shall adopt and
22 implement a health care plan for indigent health care
23 services. The governing board, agency, or authority shall
24 consist of no more than seven and no fewer than five members
25 appointed by the county commission. The members of the
26 governing board, agency, or authority shall be at least 18
27 years of age and residents of the county. No member may be
28 employed by or affiliated with a health care provider or the
29 public health trust, agency, or authority responsible for the
30 county public general hospital. The following community
31 organizations shall each appoint a representative to a

1 nominating committee: the South Florida Hospital and
2 Healthcare Association, the Miami-Dade County Public Health
3 Trust, the Dade County Medical Association, the Miami-Dade
4 County Homeless Trust, and the Mayor of Miami-Dade County.
5 This committee shall nominate between 10 and 14 county
6 citizens for the governing board, agency, or authority. The
7 slate shall be presented to the county commission and the
8 county commission shall confirm the top five to seven
9 nominees, depending on the size of the governing board. Until
10 such time as the governing board, agency, or authority is
11 created, the funds provided for in subparagraph (d)2. shall be
12 placed in a restricted account set aside from other county
13 funds and not disbursed by the county for any other purpose.

14 1. The plan shall divide the county into a minimum of
15 four and maximum of six service areas, with no more than one
16 participant hospital per service area. The county public
17 general hospital shall be designated as the provider for one
18 of the service areas. Services shall be provided through
19 participants' primary acute care facilities.

20 2. The plan and subsequent amendments to it shall fund
21 a defined range of health care services for both indigent
22 persons and the medically poor, including primary care,
23 preventive care, hospital emergency room care, and hospital
24 care necessary to stabilize the patient. For the purposes of
25 this section, "stabilization" means stabilization as defined
26 in s. 397.311(29)~~s. 397.311(30)~~. Where consistent with these
27 objectives, the plan may include services rendered by
28 physicians, clinics, community hospitals, and alternative
29 delivery sites, as well as at least one regional referral
30 hospital per service area. The plan shall provide that
31 agreements negotiated between the governing board, agency, or

1 authority and providers shall recognize hospitals that render
2 a disproportionate share of indigent care, provide other
3 incentives to promote the delivery of charity care to draw
4 down federal funds where appropriate, and require cost
5 containment, including, but not limited to, case management.
6 From the funds specified in subparagraphs (d)1. and 2. for
7 indigent health care services, service providers shall receive
8 reimbursement at a Medicaid rate to be determined by the
9 governing board, agency, or authority created pursuant to this
10 paragraph for the initial emergency room visit, and a
11 per-member per-month fee or capitation for those members
12 enrolled in their service area, as compensation for the
13 services rendered following the initial emergency visit.
14 Except for provisions of emergency services, upon
15 determination of eligibility, enrollment shall be deemed to
16 have occurred at the time services were rendered. The
17 provisions for specific reimbursement of emergency services
18 shall be repealed on July 1, 2001, unless otherwise reenacted
19 by the Legislature. The capitation amount or rate shall be
20 determined prior to program implementation by an independent
21 actuarial consultant. In no event shall such reimbursement
22 rates exceed the Medicaid rate. The plan must also provide
23 that any hospitals owned and operated by government entities
24 on or after the effective date of this act must, as a
25 condition of receiving funds under this subsection, afford
26 public access equal to that provided under s. 286.011 as to
27 any meeting of the governing board, agency, or authority the
28 subject of which is budgeting resources for the retention of
29 charity care, as that term is defined in the rules of the
30 Agency for Health Care Administration. The plan shall also
31 include innovative health care programs that provide

1 cost-effective alternatives to traditional methods of service
2 and delivery funding.

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

7 4. Eligible residents who participate in the health
8 care plan shall receive coverage for a period of 12 months or
9 the period extending from the time of enrollment to the end of
10 the current fiscal year, per enrollment period, whichever is
11 less.

12 5. At the end of each fiscal year, the governing
13 board, agency, or authority shall prepare an audit that
14 reviews the budget of the plan, delivery of services, and
15 quality of services, and makes recommendations to increase the
16 plan's efficiency. The audit shall take into account
17 participant hospital satisfaction with the plan and assess the
18 amount of poststabilization patient transfers requested, and
19 accepted or denied, by the county public general hospital.

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

22 440.102 Drug-free workplace program requirements.--The
23 following provisions apply to a drug-free workplace program
24 implemented pursuant to law or to rules adopted by the Agency
25 for Health Care Administration:

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

28 (d) "Drug rehabilitation program" means a service
29 provider, established pursuant to s. 397.311(27)~~s.~~
30 ~~397.311(28)~~, that provides confidential, timely, and expert
31

1 identification, assessment, and resolution of employee drug
2 abuse.

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

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

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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill 682

4
5 Clarifies the circumstances under which a substance abuse
6 service provider with multiple locations would be licensed
7 under chapter 397.

8 Specifies that the Department of Children and Family Services
9 may grant exemptions from disqualification that would limit
10 service provider personnel to working with adults in substance
11 abuse treatment facilities.

12 Requires that service provider personnel submit a request for
13 exemption from disqualification within 30 days of being
14 notified of a pending disqualification so that this employee
15 may not be adversely affected pending disposition of his or
16 her request.

17 Specifies that service providers operating under a regular
18 annual license under chapter 397, F.S., will have 18 months
19 from the expiration date of their regular license to meet
20 local zoning requirements.

21 Specifies that applicants for a new license under chapter 397,
22 F.S., must demonstrate proof of compliance with zoning
23 requirements prior to the department issuing a probationary
24 license.

25 Modifies the background screening requirement to specify that
26 provider personnel who work with adults who are
27 developmentally disabled are subject to level 2 background
28 screening under chapter 435, F.S.