

1  
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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