

1 A bill to be entitled

2 An act relating to substance abuse services; amending  
3 s. 397.311, F.S.; providing definitions; conforming a  
4 cross-reference; creating s. 397.487, F.S.; providing  
5 legislative findings; requiring the Department of  
6 Children and Families to create a voluntary  
7 certification program for recovery residences;  
8 requiring the department to approve credentialing  
9 entities to develop and administer the certification  
10 program; requiring an approved credentialing entity to  
11 establish a process for certifying recovery residences  
12 that meet certain qualifications; requiring an  
13 approved credentialing entity to establish certain  
14 fees; requiring a credentialing entity to conduct  
15 onsite inspections of a recovery residence; requiring  
16 background screening of employees and volunteers of a  
17 recovery residence; providing for denial, suspension,  
18 or revocation of certification; providing a criminal  
19 penalty for advertising a recovery residence as a  
20 "certified recovery residence" unless certified;  
21 creating s. 397.4871, F.S.; providing legislative  
22 intent; requiring the department to create a voluntary  
23 certification program for recovery residence  
24 administrators; authorizing the department to approve  
25 credentialing entities to develop and administer the  
26 certification program; requiring an approved

27 |       credentialing entity to establish a process for  
28 |       certifying recovery residence administrators who meet  
29 |       certain qualifications; requiring an approved  
30 |       credentialing entity to establish certain fees;  
31 |       requiring background screening of applicants for  
32 |       recovery residence administrator certification;  
33 |       providing for suspension or revocation of  
34 |       certification; providing a criminal penalty for  
35 |       advertising oneself as a "certified recovery residence  
36 |       administrator" unless certified; creating s. 397.4872,  
37 |       F.S.; providing exemptions from disqualifying  
38 |       offenses; requiring credentialing entities to provide  
39 |       the department with a list of all certified recovery  
40 |       residences and recovery residence administrators by a  
41 |       date certain; requiring the department to publish the  
42 |       list on its website; allowing recovery residences and  
43 |       recovery residence administrators to be excluded from  
44 |       the list; amending s. 397.407, F.S.; providing  
45 |       conditions for a licensed service provider to refer  
46 |       patients to certified recovery residences or recovery  
47 |       residences owned and operated by the licensed service  
48 |       provider; defining the term "refer"; amending ss.  
49 |       212.055, 394.9085, 397.405, 397.416, and 440.102,  
50 |       F.S.; conforming cross-references; providing an  
51 |       effective date.

52

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

54

55 Section 1. Present subsection (32) of section 397.311,  
 56 Florida Statutes, is amended, subsection (4), subsections (5)  
 57 through (28), and subsections (29) through (39) are renumbered  
 58 as subsection (7), subsections (9) through (32), and subsections  
 59 (35) through (45), respectively, and new subsections (4), (5).  
 60 (6), (8), (33), and (34) are added to that section, to read:

61 397.311 Definitions.—As used in this chapter, except part  
 62 VIII, the term:

63 (4) "Certificate of compliance" means a certificate that  
 64 is issued by a credentialing entity to a recovery residence or a  
 65 recovery residence administrator.

66 (5) "Certified recovery residence" means a recovery  
 67 residence that holds a valid certificate of compliance or that  
 68 is actively managed by a certified recovery residence  
 69 administrator.

70 (6) "Certified recovery residence administrator" means a  
 71 recovery residence administrator who holds a valid certificate  
 72 of compliance.

73 (8) "Credentialing entity" means a nonprofit organization  
 74 that develops and administers professional certification  
 75 programs according to nationally recognized certification and  
 76 psychometric standards.

77 (33) "Recovery residence" means a residential dwelling  
 78 unit, or other form of group housing, that is offered or

79 advertised through any means, including oral, written,  
80 electronic, or printed means, by any person or entity as a  
81 residence that provides a peer-supported, alcohol-free, and  
82 drug-free living environment.

83 (34) "Recovery residence administrator" means the person  
84 responsible for overall management of the recovery residence,  
85 including the supervision of residents and staff employed by, or  
86 volunteering for, the residence.

87 (38)-(32) "Service component" or "component" means a  
88 discrete operational entity within a service provider which is  
89 subject to licensing as defined by rule. Service components  
90 include prevention, intervention, and clinical treatment  
91 described in subsection (22) ~~(18)~~.

92 Section 2. Section 397.487, Florida Statutes, is created  
93 to read:

94 397.487 Voluntary certification of recovery residences.-

95 (1) The Legislature finds that a person suffering from  
96 addiction has a higher success rate of achieving long-lasting  
97 sobriety when given the opportunity to build a stronger  
98 foundation by living in a recovery residence after completing  
99 treatment. The Legislature further finds that this state and its  
100 subdivisions have a legitimate state interest in protecting  
101 these persons, who represent a vulnerable consumer population in  
102 need of adequate housing. It is the intent of the Legislature to  
103 protect persons who reside in a recovery residence.

104        (2) The department shall approve one or more credentialing  
105 entities for the purpose of developing and administering a  
106 voluntary certification program for recovery residences. The  
107 approved credentialing entity shall:

108        (a) Establish recovery residence certification  
109 requirements.

110        (b) Establish processes to:

111        1. Administer the application, certification,  
112 recertification, and disciplinary processes.

113        2. Monitor and inspect a recovery residence and its staff  
114 to ensure compliance with certification requirements.

115        3. Interview and evaluate residents, employees, and  
116 volunteer staff on their knowledge and application of  
117 certification requirements.

118        (c) Provide training for owners, managers, and staff.

119        (d) Develop a code of ethics.

120        (e) Establish application, inspection, and annual  
121 certification renewal fees. The application fee may not exceed  
122 \$100. The inspection fee shall reflect actual costs for  
123 inspections. The annual certification renewal fee may not exceed  
124 \$100.

125        (3) A credentialing entity shall require the recovery  
126 residence to submit the following documents with the completed  
127 application and fee:

128        (a) A policy and procedures manual containing:

129        1. Job descriptions for all staff positions.

- 130        2. Drug testing procedures and requirements.
- 131        3. A prohibition on the premises against alcohol, illegal  
 132 drugs, and the use of prescribed medications by an individual  
 133 other than the individual for whom the medication is prescribed.
- 134        4. Policies to support a resident's recovery efforts.
- 135        5. A good neighbor policy to address neighborhood concerns  
 136 and complaints.
- 137        (b) Rules for residents.
- 138        (c) Copies of all forms provided to residents.
- 139        (d) Intake procedures.
- 140        (e) Relapse policy.
- 141        (f) Fee schedule.
- 142        (g) Refund policy.
- 143        (h) Eviction procedures and policy.
- 144        (i) Code of ethics.
- 145        (j) Proof of insurance requirements.
- 146        (k) Background screening requirements.
- 147        (l) Requirements for proof of satisfactory fire, safety,  
 148 and health inspections.
- 149        (4) A credentialing entity shall conduct an onsite  
 150 inspection of the recovery residence before issuing a  
 151 certificate of compliance. Onsite followup monitoring of any  
 152 certified recovery residence may be conducted by the  
 153 credentialing entity to determine continuing compliance with  
 154 certification requirements. Each certified recovery residence

155 shall be inspected at least once during each certification  
156 renewal period to ensure compliance.

157 (5) A credentialing entity shall require that all  
158 employees and volunteer staff of a recovery residence pass a  
159 level 2 background screening as provided in s. 435.04. The  
160 employee's and volunteer's fingerprints must be submitted by the  
161 department, an entity, or a vendor as authorized by s.  
162 943.053(13)(a). The fingerprints shall be forwarded to the  
163 Department of Law Enforcement for state processing, and the  
164 Department of Law Enforcement shall forward them to the Federal  
165 Bureau of Investigation for national processing. Fees for state  
166 and national fingerprint processing shall be borne by the  
167 employer, employee, or volunteer. The department shall screen  
168 background results to determine whether an employee or volunteer  
169 meets certification requirements.

170 (6) A credentialing entity shall issue a certificate of  
171 compliance upon approval of the recovery residence's application  
172 and inspection. The certification shall automatically terminate  
173 if not renewed within 1 year after the date of issuance.

174 (7) A credentialing entity shall deny a recovery  
175 residence's application for certification, and may suspend or  
176 revoke a certification, if the recovery residence:

177 (a) Is not in compliance with any provision of this  
178 section;

179 (b) Has failed to remedy any deficiency identified by the  
180 credentialing entity within the time period specified;

181 (c) Provided false, misleading, or incomplete information  
 182 to the credentialing entity; or

183 (d) Has employees or volunteer staff who are subject to  
 184 the disqualifying offenses set forth in s. 435.04(2), unless an  
 185 exemption has been provided under s. 397.4872.

186 (8) It is unlawful for a person to advertise to the  
 187 public, in any way or by any medium whatsoever, any recovery  
 188 residence as a "certified recovery residence" unless such  
 189 recovery residence has first secured a certificate of compliance  
 190 under this section. A person who violates this subsection  
 191 commits a misdemeanor of the first degree, punishable as  
 192 provided in s. 775.082 or s. 775.083.

193 Section 3. Section 397.4871, Florida Statutes, is created  
 194 to read:

195 397.4871 Recovery residence administrator certification.-

196 (1) It is the intent of the Legislature that a recovery  
 197 residence administrator voluntarily earn and maintain  
 198 certification from a credentialing entity approved by the  
 199 Department of Children and Families. The Legislature further  
 200 intends that certification ensure that an administrator has the  
 201 competencies necessary to appropriately respond to the needs of  
 202 residents, to maintain residence standards, and to meet  
 203 residence certification requirements.

204 (2) The department shall approve one or more credentialing  
 205 entities for the purpose of developing and administering a



206 volunteer credentialing program for administrators. The approved  
 207 credentialing entity shall:

208 (a) Establish recovery residence administrator core  
 209 competencies, certification requirements, testing instruments,  
 210 and recertification requirements according to nationally  
 211 recognized certification and psychometric standards.

212 (b) Establish a process to administer the certification  
 213 application, award, and maintenance processes.

214 (c) Demonstrate ability to administer:

215 1. A code of ethics and disciplinary process.

216 2. Biennial continuing education requirements and annual  
 217 certification renewal requirements.

218 3. An education provider program to approve training  
 219 entities that are qualified to provide precertification training  
 220 to applicants and continuing education opportunities to  
 221 certified persons.

222 (3) A credentialing entity shall establish a certification  
 223 program that:

224 (a) Is established according to nationally recognized  
 225 certification and psychometric standards.

226 (b) Is directly related to the core competencies.

227 (c) Establishes minimum requirements in each of the  
 228 following categories:

229 1. Training.

230 2. On-the-job work experience.

231 3. Supervision.

232       4. Testing.

233       5. Biennial continuing education.

234       (d) Requires adherence to a code of ethics and provides  
 235 for a disciplinary process that applies to certified persons.

236       (e) Approves qualified training entities that provide  
 237 precertification training to applicants and continuing education  
 238 to certified recovery residence administrators. To avoid a  
 239 conflict of interest, a credentialing entity or its affiliate  
 240 may not deliver training to an applicant or continuing education  
 241 to a certificateholder.

242       (4) A credentialing entity shall require each applicant to  
 243 pass a level 2 background screening as provided in s. 435.04.  
 244 The applicant's fingerprints must be submitted by the  
 245 department, an entity, or a vendor as authorized by s.  
 246 943.053(13)(a). The fingerprints shall be forwarded to the  
 247 Department of Law Enforcement for state processing, and the  
 248 Department of Law Enforcement shall forward them to the Federal  
 249 Bureau of Investigation for national processing. Fees for state  
 250 and national fingerprint processing shall be borne by the  
 251 applicant. The department shall screen background results to  
 252 determine whether an applicant meets certification requirements.

253       (5) A credentialing entity shall establish application,  
 254 examination, and certification fees and an annual certification  
 255 renewal fee. The application, examination, and certification fee  
 256 may not exceed \$225. The annual certification renewal fee may  
 257 not exceed \$100.

258       (6) The credentialing entity shall issue a certificate of  
 259 compliance upon approval of a person's application. The  
 260 certification shall automatically terminate if not renewed  
 261 within 1 year after the date of issuance.

262       (7) A person who is subject to the disqualifying offenses  
 263 set forth in s. 435.04(2) is ineligible to become a certified  
 264 recovery residency administrator.

265       (8) A credentialing entity may suspend or revoke the  
 266 recovery residence administrator's certificate of compliance if  
 267 the recovery residence administrator:

268           (a) Fails to adhere to the continuing education  
 269 requirements; or

270           (b) Becomes subject to the disqualifying offenses set  
 271 forth in s. 435.04(2), unless an exemption has been provided  
 272 under s. 397.4872.

273       (9) It is unlawful for a person to advertise himself or  
 274 herself to the public, in any way or by any medium whatsoever,  
 275 as a "certified recovery residence administrator" unless he or  
 276 she has first secured a certificate of compliance under this  
 277 section. A person who violates this subsection commits a  
 278 misdemeanor of the first degree, punishable as provided in s.  
 279 775.082 or s. 775.083.

280       Section 4. Section 397.4872, Florida Statutes, is created  
 281 to read:

282       397.4872 Exemption from disqualification; publication.-

283 (1) Individual exemptions to staff disqualification or  
284 administrator ineligibility may be requested if a recovery  
285 residence deems the decision will benefit the program. Requests  
286 for exemptions shall be submitted in writing to the department  
287 and include a justification for the exemption.

288 (2) The department may exempt a person from ss.  
289 397.487(7)(d) and 397.4871(7) if it has been at least 3 years  
290 since the person has completed or been lawfully released from  
291 confinement, supervision, or sanction for the disqualifying  
292 offense. An exemption from the disqualifying offenses may not be  
293 given under any circumstances for any person who is a:

294 (a) Sexual predator pursuant to s. 775.21;

295 (b) Career offender pursuant to s. 775.261; or

296 (c) Sexual offender pursuant to s. 943.0435, unless the  
297 requirement to register as a sexual offender has been removed  
298 pursuant to s. 943.04354.

299 (3) A credentialing entity shall submit a list to the  
300 department, no later than April 1, 2015, of all recovery  
301 residences or recovery residence administrators whom it has  
302 certified and who hold valid certificates of compliance.  
303 Thereafter, a credentialing entity shall notify the department  
304 within 3 business days when any new recovery residence  
305 administrator receives a certificate or when a recovery  
306 residence administrator's certificate expires or is terminated.  
307 The department shall publish on its website a list of each  
308 recovery residence and recovery residence administrator who

309 holds a valid certificate of compliance. A recovery residence or  
310 recovery residence administrator shall be excluded from the list  
311 upon written request to the department.

312 Section 5. Subsections (1) and (5) of section 397.407,  
313 Florida Statutes, are amended, and subsection (11) is added to  
314 that section, to read:

315 397.407 Licensure process; fees.—

316 (1) The department shall establish by rule the licensure  
317 process to include fees and categories of licenses. The rule  
318 must prescribe a fee range that is based, at least in part, on  
319 the number and complexity of programs listed in s. 397.311(22)  
320 ~~397.311(18)~~ which are operated by a licensee. The fees from the  
321 licensure of service components are sufficient to cover at least  
322 50 percent of the costs of regulating the service components.  
323 The department shall specify by rule a fee range for public and  
324 privately funded licensed service providers. Fees for privately  
325 funded licensed service providers must exceed the fees for  
326 publicly funded licensed service providers. During adoption of  
327 the rule governing the licensure process and fees, the  
328 department shall carefully consider the potential adverse impact  
329 on small, not-for-profit service providers.

330 (5) The department may issue probationary, regular, and  
331 interim licenses. After adopting the rule governing the  
332 licensure process and fees, the department shall issue one  
333 license for each service component that is operated by a service  
334 provider and defined in rule pursuant to s. 397.311(22)

335 ~~397.311(18)~~. The license is valid only for the specific service  
336 components listed for each specific location identified on the  
337 license. The licensed service provider shall apply for a new  
338 license at least 60 days before the addition of any service  
339 components or 30 days before the relocation of any of its  
340 service sites. Provision of service components or delivery of  
341 services at a location not identified on the license may be  
342 considered an unlicensed operation that authorizes the  
343 department to seek an injunction against operation as provided  
344 in s. 397.401, in addition to other sanctions authorized by s.  
345 397.415. Probationary and regular licenses may be issued only  
346 after all required information has been submitted. A license may  
347 not be transferred. As used in this subsection, the term  
348 "transfer" includes, but is not limited to, the transfer of a  
349 majority of the ownership interest in the licensed entity or  
350 transfer of responsibilities under the license to another entity  
351 by contractual arrangement.

352 (11) Effective July 1, 2015, a service provider licensed  
353 under this part may not refer a current or discharged patient to  
354 a recovery residence unless the recovery residence holds a valid  
355 certificate of compliance as provided in s. 397.487, is actively  
356 managed by a certified recovery residence administrator as  
357 provided in s. 397.4871, or both, or is owned and operated by a  
358 licensed service provider or a licensed service provider's  
359 wholly owned subsidiary. For purposes of this subsection, the  
360 term "refer" means to inform a patient by any means about the

361 name, address, or other details about the recovery residence.  
 362 However, this section does not require a licensed service  
 363 provider to refer any patient to a recovery residence.

364 Section 6. Paragraph (e) of subsection (5) of section  
 365 212.055, Florida Statutes, is amended to read:

366 212.055 Discretionary sales surtaxes; legislative intent;  
 367 authorization and use of proceeds.—It is the legislative intent  
 368 that any authorization for imposition of a discretionary sales  
 369 surtax shall be published in the Florida Statutes as a  
 370 subsection of this section, irrespective of the duration of the  
 371 levy. Each enactment shall specify the types of counties  
 372 authorized to levy; the rate or rates which may be imposed; the  
 373 maximum length of time the surtax may be imposed, if any; the  
 374 procedure which must be followed to secure voter approval, if  
 375 required; the purpose for which the proceeds may be expended;  
 376 and such other requirements as the Legislature may provide.  
 377 Taxable transactions and administrative procedures shall be as  
 378 provided in s. 212.054.

379 (5) COUNTY PUBLIC HOSPITAL SURTAX.—Any county as defined  
 380 in s. 125.011(1) may levy the surtax authorized in this  
 381 subsection pursuant to an ordinance either approved by  
 382 extraordinary vote of the county commission or conditioned to  
 383 take effect only upon approval by a majority vote of the  
 384 electors of the county voting in a referendum. In a county as  
 385 defined in s. 125.011(1), for the purposes of this subsection,  
 386 "county public general hospital" means a general hospital as

387 defined in s. 395.002 which is owned, operated, maintained, or  
388 governed by the county or its agency, authority, or public  
389 health trust.

390 (e) A governing board, agency, or authority shall be  
391 chartered by the county commission upon this act becoming law.  
392 The governing board, agency, or authority shall adopt and  
393 implement a health care plan for indigent health care services.  
394 The governing board, agency, or authority shall consist of no  
395 more than seven and no fewer than five members appointed by the  
396 county commission. The members of the governing board, agency,  
397 or authority shall be at least 18 years of age and residents of  
398 the county. No member may be employed by or affiliated with a  
399 health care provider or the public health trust, agency, or  
400 authority responsible for the county public general hospital.  
401 The following community organizations shall each appoint a  
402 representative to a nominating committee: the South Florida  
403 Hospital and Healthcare Association, the Miami-Dade County  
404 Public Health Trust, the Dade County Medical Association, the  
405 Miami-Dade County Homeless Trust, and the Mayor of Miami-Dade  
406 County. This committee shall nominate between 10 and 14 county  
407 citizens for the governing board, agency, or authority. The  
408 slate shall be presented to the county commission and the county  
409 commission shall confirm the top five to seven nominees,  
410 depending on the size of the governing board. Until such time as  
411 the governing board, agency, or authority is created, the funds  
412 provided for in subparagraph (d)2. shall be placed in a



413 restricted account set aside from other county funds and not  
 414 disbursed by the county for any other purpose.

415 1. The plan shall divide the county into a minimum of four  
 416 and maximum of six service areas, with no more than one  
 417 participant hospital per service area. The county public general  
 418 hospital shall be designated as the provider for one of the  
 419 service areas. Services shall be provided through participants'  
 420 primary acute care facilities.

421 2. The plan and subsequent amendments to it shall fund a  
 422 defined range of health care services for both indigent persons  
 423 and the medically poor, including primary care, preventive care,  
 424 hospital emergency room care, and hospital care necessary to  
 425 stabilize the patient. For the purposes of this section,  
 426 "stabilization" means stabilization as defined in s. 397.311(41)  
 427 ~~397.311(35)~~. Where consistent with these objectives, the plan  
 428 may include services rendered by physicians, clinics, community  
 429 hospitals, and alternative delivery sites, as well as at least  
 430 one regional referral hospital per service area. The plan shall  
 431 provide that agreements negotiated between the governing board,  
 432 agency, or authority and providers shall recognize hospitals  
 433 that render a disproportionate share of indigent care, provide  
 434 other incentives to promote the delivery of charity care to draw  
 435 down federal funds where appropriate, and require cost  
 436 containment, including, but not limited to, case management.  
 437 From the funds specified in subparagraphs (d)1. and 2. for  
 438 indigent health care services, service providers shall receive

439 reimbursement at a Medicaid rate to be determined by the  
440 governing board, agency, or authority created pursuant to this  
441 paragraph for the initial emergency room visit, and a per-member  
442 per-month fee or capitation for those members enrolled in their  
443 service area, as compensation for the services rendered  
444 following the initial emergency visit. Except for provisions of  
445 emergency services, upon determination of eligibility,  
446 enrollment shall be deemed to have occurred at the time services  
447 were rendered. The provisions for specific reimbursement of  
448 emergency services shall be repealed on July 1, 2001, unless  
449 otherwise reenacted by the Legislature. The capitation amount or  
450 rate shall be determined prior to program implementation by an  
451 independent actuarial consultant. In no event shall such  
452 reimbursement rates exceed the Medicaid rate. The plan must also  
453 provide that any hospitals owned and operated by government  
454 entities on or after the effective date of this act must, as a  
455 condition of receiving funds under this subsection, afford  
456 public access equal to that provided under s. 286.011 as to any  
457 meeting of the governing board, agency, or authority the subject  
458 of which is budgeting resources for the retention of charity  
459 care, as that term is defined in the rules of the Agency for  
460 Health Care Administration. The plan shall also include  
461 innovative health care programs that provide cost-effective  
462 alternatives to traditional methods of service and delivery  
463 funding.

464 3. The plan's benefits shall be made available to all

465 county residents currently eligible to receive health care  
 466 services as indigents or medically poor as defined in paragraph  
 467 (4) (d).

468 4. Eligible residents who participate in the health care  
 469 plan shall receive coverage for a period of 12 months or the  
 470 period extending from the time of enrollment to the end of the  
 471 current fiscal year, per enrollment period, whichever is less.

472 5. At the end of each fiscal year, the governing board,  
 473 agency, or authority shall prepare an audit that reviews the  
 474 budget of the plan, delivery of services, and quality of  
 475 services, and makes recommendations to increase the plan's  
 476 efficiency. The audit shall take into account participant  
 477 hospital satisfaction with the plan and assess the amount of  
 478 poststabilization patient transfers requested, and accepted or  
 479 denied, by the county public general hospital.

480 Section 7. Subsection (6) of section 394.9085, Florida  
 481 Statutes, is amended to read:

482 394.9085 Behavioral provider liability.—

483 (6) For purposes of this section, the terms  
 484 "detoxification services," "addictions receiving facility," and  
 485 "receiving facility" have the same meanings as those provided in  
 486 ss. 397.311(22)(a)4. ~~397.311(18)(a)4.~~, 397.311(22)(a)1.  
 487 ~~397.311(18)(a)1.~~, and 394.455(26), respectively.

488 Section 8. Subsection (8) of section 397.405, Florida  
 489 Statutes, is amended to read:

490 397.405 Exemptions from licensure.—The following are

491 exempt from the licensing provisions of this chapter:

492 (8) A legally cognizable church or nonprofit religious  
493 organization or denomination providing substance abuse services,  
494 including prevention services, which are solely religious,  
495 spiritual, or ecclesiastical in nature. A church or nonprofit  
496 religious organization or denomination providing any of the  
497 licensed service components itemized under s. 397.311(22)  
498 ~~397.311(18)~~ is not exempt from substance abuse licensure but  
499 retains its exemption with respect to all services which are  
500 solely religious, spiritual, or ecclesiastical in nature.

501  
502 The exemptions from licensure in this section do not apply to  
503 any service provider that receives an appropriation, grant, or  
504 contract from the state to operate as a service provider as  
505 defined in this chapter or to any substance abuse program  
506 regulated pursuant to s. 397.406. Furthermore, this chapter may  
507 not be construed to limit the practice of a physician or  
508 physician assistant licensed under chapter 458 or chapter 459, a  
509 psychologist licensed under chapter 490, a psychotherapist  
510 licensed under chapter 491, or an advanced registered nurse  
511 practitioner licensed under part I of chapter 464, who provides  
512 substance abuse treatment, so long as the physician, physician  
513 assistant, psychologist, psychotherapist, or advanced registered  
514 nurse practitioner does not represent to the public that he or  
515 she is a licensed service provider and does not provide services  
516 to individuals pursuant to part V of this chapter. Failure to

517 | comply with any requirement necessary to maintain an exempt  
 518 | status under this section is a misdemeanor of the first degree,  
 519 | punishable as provided in s. 775.082 or s. 775.083.

520 |       Section 9. Section 397.416, Florida Statutes, is amended  
 521 | to read:

522 |       397.416 Substance abuse treatment services; qualified  
 523 | professional.—Notwithstanding any other provision of law, a  
 524 | person who was certified through a certification process  
 525 | recognized by the former Department of Health and Rehabilitative  
 526 | Services before January 1, 1995, may perform the duties of a  
 527 | qualified professional with respect to substance abuse treatment  
 528 | services as defined in this chapter, and need not meet the  
 529 | certification requirements contained in s. 397.311(30)  
 530 | ~~397.311(26)~~.

531 |       Section 10. Paragraphs (d) and (g) of subsection (1) of  
 532 | section 440.102, Florida Statutes, are amended to read:

533 |       440.102 Drug-free workplace program requirements.—The  
 534 | following provisions apply to a drug-free workplace program  
 535 | implemented pursuant to law or to rules adopted by the Agency  
 536 | for Health Care Administration:

537 |       (1) DEFINITIONS.—Except where the context otherwise  
 538 | requires, as used in this act:

539 |       (d) "Drug rehabilitation program" means a service  
 540 | provider, established pursuant to s. 397.311(39) ~~397.311(33)~~,  
 541 | that provides confidential, timely, and expert identification,  
 542 | assessment, and resolution of employee drug abuse.

543 (g) "Employee assistance program" means an established  
544 program capable of providing expert assessment of employee  
545 personal concerns; confidential and timely identification  
546 services with regard to employee drug abuse; referrals of  
547 employees for appropriate diagnosis, treatment, and assistance;  
548 and followup services for employees who participate in the  
549 program or require monitoring after returning to work. If, in  
550 addition to the above activities, an employee assistance program  
551 provides diagnostic and treatment services, these services shall  
552 in all cases be provided by service providers pursuant to s.  
553 397.311(39) ~~397.311(33)~~.

554 Section 11. This act shall take effect July 1, 2014.