

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 and intent; requiring the
6 Department of Children and Families to create a
7 voluntary certification program for recovery
8 residences; requiring the department to approve
9 credentialing entities to develop and administer the
10 certification program; requiring an approved
11 credentialing entity to establish procedures for
12 certifying recovery residences that meet certain
13 qualifications; requiring an approved credentialing
14 entity to establish certain fees; requiring a
15 credentialing entity to conduct onsite inspections of
16 a recovery residence; requiring background screening
17 of employees of a recovery residence; providing for
18 denial, suspension, or revocation of certification;
19 providing a criminal penalty for falsely advertising a
20 recovery residence as a "certified recovery
21 residence"; creating s. 397.4871, F.S.; providing
22 legislative intent; requiring the department to create
23 a voluntary certification program for recovery
24 residence administrators; directing the department to
25 approve at least one credentialing entity by a
26 specified date to develop and administer the

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

53 | date.

54 |

55 | Be It Enacted by the Legislature of the State of Florida:

56 |

57 | Section 1. Subsection (32) of section 397.311, Florida
 58 | Statutes, is amended, subsections (4) and (5), subsections (6)
 59 | through (28), and subsections (29) through (39) are renumbered
 60 | as subsections (7) and (8), subsections (10) through (32), and
 61 | subsections (35) through (45), respectively, and new subsections
 62 | (4), (5), (6), (9), (33), and (34) are added to that section, to
 63 | read:

64 | 397.311 Definitions.—As used in this chapter, except part
 65 | VIII, the term:

66 | (4) "Certificate of compliance" means a certificate that
 67 | is issued by a credentialing entity to a recovery residence or a
 68 | recovery residence administrator.

69 | (5) "Certified recovery residence" means a recovery
 70 | residence that holds a valid certificate of compliance or that
 71 | is actively managed by a certified recovery residence
 72 | administrator.

73 | (6) "Certified recovery residence administrator" means a
 74 | recovery residence administrator who holds a valid certificate
 75 | of compliance.

76 | (9) "Credentialing entity" means a nonprofit organization
 77 | that develops and administers professional certification

78 programs according to nationally recognized certification and
 79 psychometric standards.

80 (33) "Recovery residence" means a residential dwelling
 81 unit, or other form of group housing, that is offered or
 82 advertised through any means, including oral, written,
 83 electronic, or printed means, by any person or entity as a
 84 residence that provides a peer-supported, alcohol-free, and
 85 drug-free living environment.

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

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

95 Section 2. Section 397.487, Florida Statutes, is created
 96 to read:

97 397.487 Voluntary certification of recovery residences.—

98 (1) The Legislature finds that a person suffering from
 99 addiction has a higher success rate of achieving long-lasting
 100 sobriety when given the opportunity to build a stronger
 101 foundation by living in a recovery residence after completing
 102 treatment. The Legislature further finds that this state and its
 103 subdivisions have a legitimate state interest in protecting

104 these persons, who represent a vulnerable consumer population in
105 need of adequate housing. It is the intent of the Legislature to
106 protect persons who reside in a recovery residence.

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

111 (a) Establish recovery residence certification
112 requirements.

113 (b) Establish procedures to:

114 1. Administer the application, certification,
115 recertification, and disciplinary processes.

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

118 3. Interview and evaluate residents, employees, and
119 volunteer staff on their knowledge and application of
120 certification requirements.

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

122 (d) Develop a code of ethics.

123 (e) Establish application, inspection, and annual
124 certification renewal fees. The application fee may not exceed
125 \$100. The inspection fee shall reflect actual costs for
126 inspections. The annual certification renewal fee may not exceed
127 \$100.

128 (3) A credentialing entity shall require the recovery
 129 residence to submit the following documents with the completed
 130 application and fee:

131 (a) A policy and procedures manual containing:

132 1. Job descriptions for all staff positions.

133 2. Drug-testing procedures and requirements.

134 3. A prohibition on the premises against alcohol, illegal
 135 drugs, and the use of prescribed medications by an individual
 136 other than the individual for whom the medication is prescribed.

137 4. Policies to support a resident's recovery efforts.

138 5. A good neighbor policy to address neighborhood concerns
 139 and complaints.

140 (b) Rules for residents.

141 (c) Copies of all forms provided to residents.

142 (d) Intake procedures.

143 (e) Relapse policy.

144 (f) Fee schedule.

145 (g) Refund policy.

146 (h) Eviction procedures and policy.

147 (i) Code of ethics.

148 (j) Proof of insurance requirements.

149 (k) Background screening requirements.

150 (l) Requirements for proof of satisfactory fire, safety,
 151 and health inspections.

152 (4) A credentialing entity shall conduct an onsite
 153 inspection of the recovery residence before issuing a

154 certificate of compliance. Onsite followup monitoring of any
155 certified recovery residence may be conducted by the
156 credentialing entity to determine continuing compliance with
157 certification requirements. Each certified recovery residence
158 shall be inspected at least once during each certification
159 renewal period to ensure compliance.

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

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

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

179 (a) Is not in compliance with any provision of this

180 section;

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

183 (c) Provided false, misleading, or incomplete information
 184 to the credentialing entity; or

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

188 (8) A person may not advertise to the public, in any way
 189 or by any medium whatsoever, any recovery residence as a
 190 "certified recovery residence" unless such recovery residence
 191 has first secured a certificate of compliance under this
 192 section. A person who violates this subsection commits a
 193 misdemeanor of the first degree, punishable as provided in s.
 194 775.082 or s. 775.083.

195 Section 3. Section 397.4871, Florida Statutes, is created
 196 to read:

197 397.4871 Recovery residence administrator certification.-

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

206 (2) The department shall approve at least one
 207 credentialing entity by December 1, 2015, for the purpose of
 208 developing and administering a voluntary credentialing program
 209 for administrators. The department shall approve any
 210 credentialing entity that the department endorses pursuant to s.
 211 397.321(16) if the credentialing entity also meets the
 212 requirements of this section. The approved credentialing entity
 213 shall:

214 (a) Establish recovery residence administrator core
 215 competencies, certification requirements, testing instruments,
 216 and recertification requirements according to nationally
 217 recognized certification and psychometric standards.

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

220 (c) Demonstrate ability to administer:

221 1. A code of ethics and disciplinary process.

222 2. Biennial continuing education requirements and annual
 223 certification renewal requirements.

224 3. An education provider program to approve training
 225 entities that are qualified to provide precertification training
 226 to applicants and continuing education opportunities to
 227 certified persons.

228 (3) A credentialing entity shall establish a certification
 229 program that:

230 (a) Is established according to nationally recognized
 231 certification and psychometric standards.

232 (b) Is directly related to the core competencies.
 233 (c) Establishes minimum requirements in each of the
 234 following categories:
 235 1. Training.
 236 2. On-the-job work experience.
 237 3. Supervision.
 238 4. Testing.
 239 5. Biennial continuing education.
 240 (d) Requires adherence to a code of ethics and provides
 241 for a disciplinary process that applies to certified persons.
 242 (e) Approves qualified training entities that provide
 243 precertification training to applicants and continuing education
 244 to certified recovery residence administrators. To avoid a
 245 conflict of interest, a credentialing entity or its affiliate
 246 may not deliver training to an applicant or continuing education
 247 to a certificateholder.
 248 (4) A credentialing entity shall require each applicant to
 249 pass a level 2 background screening as provided in s. 435.04.
 250 The applicant's fingerprints must be submitted by the
 251 department, an entity, or a vendor as authorized by s.
 252 943.053(13)(a). The fingerprints shall be forwarded to the
 253 Department of Law Enforcement for state processing, and the
 254 Department of Law Enforcement shall forward them to the Federal
 255 Bureau of Investigation for national processing. Fees for state
 256 and national fingerprint processing shall be borne by the

257 applicant. The department shall screen background results to
258 determine whether an applicant meets certification requirements.

259 (5) A credentialing entity shall establish application,
260 examination, and certification fees and an annual certification
261 renewal fee. The application, examination, and certification fee
262 may not exceed \$225. The annual certification renewal fee may
263 not exceed \$100.

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

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

271 (8) A credentialing entity may suspend or revoke the
272 recovery residence administrator's certificate of compliance if
273 the recovery residence administrator:

274 (a) Fails to adhere to the continuing education
275 requirements; or

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

279 (9) A person may not advertise himself or herself to the
280 public, in any way or by any medium whatsoever, as a "certified
281 recovery residence administrator" unless he or she has first
282 secured a certificate of compliance under this section. A person

283 who violates this subsection commits a misdemeanor of the first
284 degree, punishable as provided in s. 775.082 or s. 775.083.

285 Section 4. Section 397.4872, Florida Statutes, is created
286 to read:

287 397.4872 Exemption from disqualification; publication.—

288 (1) Individual exemptions to staff disqualification or
289 administrator ineligibility may be requested if a recovery
290 residence deems the decision will benefit the program. Requests
291 for exemptions shall be submitted in writing to the department
292 and include a justification for the exemption.

293 (2) The department may exempt a person from ss.
294 397.487(7)(d) and 397.4871(7) if it has been at least 3 years
295 since the person has completed or been lawfully released from
296 confinement, supervision, or sanction for the disqualifying
297 offense. An exemption from the disqualifying offenses may not be
298 given under any circumstances for any person who is a:

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

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

301 (c) Sexual offender pursuant to s. 943.0435, unless the
302 requirement to register as a sexual offender has been removed
303 pursuant to s. 943.04354.

304 (3) By April 1, 2016, a credentialing entity shall submit
305 a list to the department of all recovery residences and recovery
306 residence administrators certified by the credentialing entity
307 that hold a valid certificate of compliance. Thereafter, the
308 credentialing entity must notify the department within 3

309 business days after a new recovery residence administrator is
310 certified or a recovery residence administrator's certificate
311 expires or is terminated. The department shall publish on its
312 website a list of all recovery residences and recovery residence
313 administrators that hold a valid certificate of compliance. A
314 recovery residence or recovery residence administrator shall be
315 excluded from the list if the recovery residence administrator
316 submits a written request to the department.

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

320 397.407 Licensure process; fees.—

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

335 (5) The department may issue probationary, regular, and
336 interim licenses. After adopting the rule governing the
337 licensure process and fees, the department shall issue one
338 license for each service component that is operated by a service
339 provider and defined in rule pursuant to s. 397.311(22)
340 ~~397.311(18)~~. The license is valid only for the specific service
341 components listed for each specific location identified on the
342 license. The licensed service provider shall apply for a new
343 license at least 60 days before the addition of any service
344 components or 30 days before the relocation of any of its
345 service sites. Provision of service components or delivery of
346 services at a location not identified on the license may be
347 considered an unlicensed operation that authorizes the
348 department to seek an injunction against operation as provided
349 in s. 397.401, in addition to other sanctions authorized by s.
350 397.415. Probationary and regular licenses may be issued only
351 after all required information has been submitted. A license may
352 not be transferred. As used in this subsection, the term
353 "transfer" includes, but is not limited to, the transfer of a
354 majority of the ownership interest in the licensed entity or
355 transfer of responsibilities under the license to another entity
356 by contractual arrangement.

357 (11) Effective July 1, 2016, a service provider licensed
358 under this part may not refer a current or discharged patient to
359 a recovery residence unless the recovery residence holds a valid
360 certificate of compliance as provided in s. 397.487, is actively

361 managed by a certified recovery residence administrator as
362 provided in s. 397.4871, or both, or is owned and operated by a
363 licensed service provider or a licensed service provider's
364 wholly owned subsidiary. For purposes of this subsection, the
365 term "refer" means to inform a patient by any means about the
366 name, address, or other details of the recovery residence.
367 However, this subsection does not require a licensed service
368 provider to refer any patient to a recovery residence.

369 Section 6. Paragraph (e) of subsection (5) of section
370 212.055, Florida Statutes, is amended to read:

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

384 (5) COUNTY PUBLIC HOSPITAL SURTAX.—Any county as defined
385 in s. 125.011(1) may levy the surtax authorized in this
386 subsection pursuant to an ordinance either approved by

387 extraordinary vote of the county commission or conditioned to
388 take effect only upon approval by a majority vote of the
389 electors of the county voting in a referendum. In a county as
390 defined in s. 125.011(1), for the purposes of this subsection,
391 "county public general hospital" means a general hospital as
392 defined in s. 395.002 which is owned, operated, maintained, or
393 governed by the county or its agency, authority, or public
394 health trust.

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

413 slate shall be presented to the county commission and the county
414 commission shall confirm the top five to seven nominees,
415 depending on the size of the governing board. Until such time as
416 the governing board, agency, or authority is created, the funds
417 provided for in subparagraph (d)2. shall be placed in a
418 restricted account set aside from other county funds and not
419 disbursed by the county for any other purpose.

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

426 2. The plan and subsequent amendments to it shall fund a
427 defined range of health care services for both indigent persons
428 and the medically poor, including primary care, preventive care,
429 hospital emergency room care, and hospital care necessary to
430 stabilize the patient. For the purposes of this section,
431 "stabilization" means stabilization as defined in s. 397.311(41)
432 ~~397.311(35)~~. Where consistent with these objectives, the plan
433 may include services rendered by physicians, clinics, community
434 hospitals, and alternative delivery sites, as well as at least
435 one regional referral hospital per service area. The plan shall
436 provide that agreements negotiated between the governing board,
437 agency, or authority and providers shall recognize hospitals
438 that render a disproportionate share of indigent care, provide

439 other incentives to promote the delivery of charity care to draw
440 down federal funds where appropriate, and require cost
441 containment, including, but not limited to, case management.
442 From the funds specified in subparagraphs (d)1. and 2. for
443 indigent health care services, service providers shall receive
444 reimbursement at a Medicaid rate to be determined by the
445 governing board, agency, or authority created pursuant to this
446 paragraph for the initial emergency room visit, and a per-member
447 per-month fee or capitation for those members enrolled in their
448 service area, as compensation for the services rendered
449 following the initial emergency visit. Except for provisions of
450 emergency services, upon determination of eligibility,
451 enrollment shall be deemed to have occurred at the time services
452 were rendered. The provisions for specific reimbursement of
453 emergency services shall be repealed on July 1, 2001, unless
454 otherwise reenacted by the Legislature. The capitation amount or
455 rate shall be determined prior to program implementation by an
456 independent actuarial consultant. In no event shall such
457 reimbursement rates exceed the Medicaid rate. The plan must also
458 provide that any hospitals owned and operated by government
459 entities on or after the effective date of this act must, as a
460 condition of receiving funds under this subsection, afford
461 public access equal to that provided under s. 286.011 as to any
462 meeting of the governing board, agency, or authority the subject
463 of which is budgeting resources for the retention of charity
464 care, as that term is defined in the rules of the Agency for

465 Health Care Administration. The plan shall also include
466 innovative health care programs that provide cost-effective
467 alternatives to traditional methods of service and delivery
468 funding.

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

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

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

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

487 394.9085 Behavioral provider liability.—

488 (6) For purposes of this section, the terms
489 "detoxification services," "addictions receiving facility," and
490 "receiving facility" have the same meanings as those provided in

491 ss. 397.311(22)(a)4. ~~397.311(18)(a)4.~~, 397.311(22)(a)1.
492 ~~397.311(18)(a)1.~~, and 394.455(26), respectively.

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

495 397.405 Exemptions from licensure.—The following are
496 exempt from the licensing provisions of this chapter:

497 (8) A legally cognizable church or nonprofit religious
498 organization or denomination providing substance abuse services,
499 including prevention services, which are solely religious,
500 spiritual, or ecclesiastical in nature. A church or nonprofit
501 religious organization or denomination providing any of the
502 licensed service components itemized under s. 397.311(22)
503 ~~397.311(18)~~ is not exempt from substance abuse licensure but
504 retains its exemption with respect to all services which are
505 solely religious, spiritual, or ecclesiastical in nature.

506

507 The exemptions from licensure in this section do not apply to
508 any service provider that receives an appropriation, grant, or
509 contract from the state to operate as a service provider as
510 defined in this chapter or to any substance abuse program
511 regulated pursuant to s. 397.406. Furthermore, this chapter may
512 not be construed to limit the practice of a physician or
513 physician assistant licensed under chapter 458 or chapter 459, a
514 psychologist licensed under chapter 490, a psychotherapist
515 licensed under chapter 491, or an advanced registered nurse
516 practitioner licensed under part I of chapter 464, who provides

517 substance abuse treatment, so long as the physician, physician
518 assistant, psychologist, psychotherapist, or advanced registered
519 nurse practitioner does not represent to the public that he or
520 she is a licensed service provider and does not provide services
521 to individuals pursuant to part V of this chapter. Failure to
522 comply with any requirement necessary to maintain an exempt
523 status under this section is a misdemeanor of the first degree,
524 punishable as provided in s. 775.082 or s. 775.083.

525 Section 9. Section 397.416, Florida Statutes, is amended
526 to read:

527 397.416 Substance abuse treatment services; qualified
528 professional.—Notwithstanding any other provision of law, a
529 person who was certified through a certification process
530 recognized by the former Department of Health and Rehabilitative
531 Services before January 1, 1995, may perform the duties of a
532 qualified professional with respect to substance abuse treatment
533 services as defined in this chapter, and need not meet the
534 certification requirements contained in s. 397.311(30)
535 ~~397.311(26)~~.

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

538 440.102 Drug-free workplace program requirements.—The
539 following provisions apply to a drug-free workplace program
540 implemented pursuant to law or to rules adopted by the Agency
541 for Health Care Administration:

542 (1) DEFINITIONS.—Except where the context otherwise

543 requires, as used in this act:

544 (d) "Drug rehabilitation program" means a service
545 provider, established pursuant to s. 397.311(39) ~~397.311(33)~~,
546 that provides confidential, timely, and expert identification,
547 assessment, and resolution of employee drug abuse.

548 (g) "Employee assistance program" means an established
549 program capable of providing expert assessment of employee
550 personal concerns; confidential and timely identification
551 services with regard to employee drug abuse; referrals of
552 employees for appropriate diagnosis, treatment, and assistance;
553 and followup services for employees who participate in the
554 program or require monitoring after returning to work. If, in
555 addition to the above activities, an employee assistance program
556 provides diagnostic and treatment services, these services shall
557 in all cases be provided by service providers pursuant to s.
558 397.311(39) ~~397.311(33)~~.

559 Section 11. This act shall take effect July 1, 2015.