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Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on Health and Human Services)

A bill to be entitled

An act relating to substance abuse services; amending s. 397.311, F.S.; providing definitions; conforming a cross-reference; creating s. 397.487, F.S.; providing legislative findings and intent; requiring the Department of Children and Families to create a voluntary certification program for recovery residences; requiring the department to approve at least one credentialing entity by a specified date to develop and administer the certification program; requiring an approved credentialing entity to establish procedures for certifying recovery residences that meet certain qualifications; requiring an approved credentialing entity to establish certain fees; requiring a credentialing entity to conduct onsite inspections of a recovery residence; requiring background screening of owners, directors, and chief financial officers of a recovery residence; providing for denial, suspension, or revocation of certification; requiring a certified recovery residence to notify the credentialing entity within a certain time of the removal of the recovery residence's certified recovery residence administrator; providing a criminal penalty for falsely advertising a recovery residence as a "certified recovery residence"; creating s. 397.4871, F.S.; providing legislative intent; requiring the



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28 department to create a voluntary certification program
29 for recovery residence administrators; directing the
30 department to approve at least one credentialing
31 entity by a specified date to develop and administer
32 the certification program; requiring an approved
33 credentialing entity to establish a process for
34 certifying recovery residence administrators who meet
35 certain qualifications; requiring a certifies recovery
36 residence to be actively managed by a certified
37 recovery residence administrator; requiring certain
38 applications to include specified information;
39 requiring an approved credentialing entity to
40 establish certain fees; requiring background screening
41 of applicants for recovery residence administrator
42 certification; requiring the department to notify the
43 credentialing agency of an applicant's eligibility
44 based on the background screening results; providing
45 for denial, suspension, or revocation of
46 certification; requiring a certified recovery
47 residence to notify the credentialing entity within a
48 certain time of the removal providing a criminal
49 penalty for falsely advertising oneself as a
50 "certified recovery residence administrator";
51 prohibiting a certified recovery residence
52 administrator from actively managing more than once
53 recovery residence at the same time; creating s.
54 397.4872, F.S.; providing exemptions from
55 disqualifying offenses; requiring credentialing
56 entities to provide the department with a list of all



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57 certified recovery residences and recovery residence
58 administrators by a date certain; requiring the
59 department to publish the list on its website;
60 allowing recovery residences and recovery residence
61 administrators to be excluded from the list upon
62 written request to the department; amending s.
63 397.407, F.S.; conforming cross-references; providing
64 conditions for a licensed service provider to refer
65 patients to a certified recovery residence or a
66 recovery residence owned and operated by the licensed
67 service provider; defining the term "refer"; amending
68 ss. 212.055, 394.9085, 397.405, 397.416, and 440.102,
69 F.S.; conforming cross-references; providing an
70 effective date.

71

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

73

74 Section 1. Subsections (4) and (5), subsections (6) through
75 (28), and subsections (29) through (39) of section 397.311,
76 Florida Statutes, are renumbered as subsections (7) and (8),
77 subsections (10) through (32), and subsections (35) through
78 (45), respectively, present subsections (7) and (32) are
79 amended, and new subsections (4), (5), (6), (9), (33), and (34)
80 are added to that section, to read:

81 397.311 Definitions.—As used in this chapter, except part
82 VIII, the term:

83 (4) "Certificate of compliance" means a certificate that is
84 issued by a credentialing entity to a recovery residence or a
85 recovery residence administrator.



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86 (5) "Certified recovery residence" means a recovery
87 residence that holds a valid certificate of compliance and is
88 actively managed by a certified recovery residence
89 administrator.

90 (6) "Certified recovery residence administrator" means a
91 recovery residence administrator who holds a valid certificate
92 of compliance.

93 (9) "Credentialing entity" means a nonprofit organization
94 that develops and administers professional, facility, or
95 organization certification programs according to applicable
96 nationally recognized certification or psychometric standards.

97 (11) ~~(7)~~ "Director" means the chief administrative or
98 executive officer of a service provider or recovery residence.

99 (33) "Recovery residence" means a residential dwelling
100 unit, or other form of group housing, that is offered or
101 advertised through any means, including oral, written,
102 electronic, or printed means, by any person or entity as a
103 residence that provides a peer-supported, alcohol-free, and
104 drug-free living environment.

105 (34) "Recovery residence administrator" means the person
106 responsible for overall management of the recovery residence,
107 including, but not limited to, the supervision of residents and
108 staff employed by, or volunteering for, the residence.

109 (38) ~~(32)~~ "Service component" or "component" means a
110 discrete operational entity within a service provider which is
111 subject to licensing as defined by rule. Service components
112 include prevention, intervention, and clinical treatment
113 described in subsection (22) ~~(18)~~.

114 Section 2. Section 397.487, Florida Statutes, is created to



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115 read:

116 397.487 Voluntary certification of recovery residences.—

117 (1) The Legislature finds that a person suffering from
118 addiction has a higher success rate of achieving long-lasting
119 sobriety when given the opportunity to build a stronger
120 foundation by living in a recovery residence after completing
121 treatment. The Legislature further finds that this state and its
122 subdivisions have a legitimate state interest in protecting
123 these persons, who represent a vulnerable consumer population in
124 need of adequate housing. It is the intent of the Legislature to
125 protect persons who reside in a recovery residence.

126 (2) The department shall approve at least one credentialing
127 entity by December 1, 2015, for the purpose of developing and
128 administering a voluntary certification program for recovery
129 residences. The approved credentialing entity shall:

130 (a) Establish recovery residence certification
131 requirements.

132 (b) Establish procedures to:

133 1. Administer the application, certification,
134 recertification, and disciplinary processes.

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

137 3. Interview and evaluate residents, employees, and
138 volunteer staff on their knowledge and application of
139 certification requirements.

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

141 (d) Develop a code of ethics.

142 (e) Establish application, inspection, and annual
143 certification renewal fees. The application fee may not exceed



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144 \$100. Any onsite inspection fee shall reflect actual costs for
145 inspections. The annual certification renewal fee may not exceed
146 \$100.

147 (3) A credentialing entity shall require the recovery
148 residence to submit the following documents with the completed
149 application and fee:

150 (a) A policy and procedures manual containing:

151 1. Job descriptions for all staff positions.

152 2. Drug-testing procedures and requirements.

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

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

157 5. A good neighbor policy to address neighborhood concerns
158 and complaints.

159 (b) Rules for residents.

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

161 (d) Intake procedures.

162 (e) Sexual Offender/Predator Registry Compliance Policy

163 (f) Relapse policy.

164 (g) Fee schedule.

165 (h) Refund policy.

166 (i) Eviction procedures and policy.

167 (j) Code of ethics.

168 (k) Proof of insurance.

169 (l) Proof of background screening.

170 (m) Proof of satisfactory fire, safety, and health
171 inspections.

172 (4) A certified recovery residence must be actively managed



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173 by a certified recovery residence administrator. All
174 applications for certification must include the name of the
175 certified recovery residence administrator who will be actively
176 managing the applicant recovery residence.

177 (5) Upon receiving a complete application, a credentialing
178 entity shall conduct an onsite inspection of the recovery
179 residence.

180 (6) All owners, directors, and chief financial officers of
181 an applicant recovery residence are subject to level 2
182 background screening as provided under chapter 435. A recovery
183 residence is ineligible for certification, and a credentialing
184 entity shall deny a recovery residence's application, if any
185 owner, director, or chief financial officer has been found
186 guilty of, or has entered a plea of guilty or nolo contendere
187 to, regardless of adjudication, any offense listed in s.
188 435.04(2) unless the department has issued an exemption under s.
189 397.4872. In accordance with s. 435.04, the department shall
190 notify the credentialing agency of an owner's, director's or
191 chief financial officer's eligibility based on the results of a
192 background screening.

193 (7) A credentialing entity shall issue a certificate of
194 compliance upon approval of the recovery residence's application
195 and inspection. The certification shall automatically terminate
196 1 year after issuance if not renewed.

197 (8) Onsite followup monitoring of a certified recovery
198 residence may be conducted by the credentialing entity to
199 determine continuing compliance with certification requirements.
200 The credentialing entity shall inspect each certified recovery
201 residence at least annually to ensure compliance.



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202 (a) A credentialing entity may suspend or revoke a
203 certification if the recovery residence is not in compliance
204 with any provision of this section or has failed to remedy any
205 deficiency identified by the credentialing entity within the
206 time period specified.

207 (b) A certified recovery residence must notify the
208 credentialing entity within 3 business days of the removal of
209 the recovery residence's certified recovery residence
210 administrator due to termination, resignation or any other
211 reason. The recovery residence shall have 30 days to retain a
212 certified recovery residence administrator. The credentialing
213 entity shall revoke the certificate of compliance of any
214 recovery residence that fails to meet these requirements.

215 (c) If any owner, director, or chief financial officer of a
216 certified recovery residence is arrested for or found guilty of,
217 or enters a plea of guilty or nolo contendere to, regardless of
218 adjudication, any offense listed in s. 435.04(2) while acting in
219 that capacity, the certified recovery residence shall
220 immediately remove the person from that position and shall
221 notify the credentialing entity within 3 business days after
222 such removal. The credentialing entity shall revoke the
223 certificate of compliance of a recovery residence that fails to
224 meet these requirements.

225 (d) A credentialing entity shall revoke a recovery
226 residence's certificate of compliance if the recovery residence
227 provides false or misleading information to the credentialing
228 entity at any time.

229 (9) A person may not advertise to the public, in any way or
230 by any medium whatsoever, any recovery residence as a "certified



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231 recovery residence” unless such recovery residence has first
232 secured a certificate of compliance under this section. A person
233 who violates this subsection commits a misdemeanor of the first
234 degree, punishable as provided in s. 775.082 or s. 775.083.

235 Section 3. Section 397.4871, Florida Statutes, is created
236 to read:

237 397.4871 Recovery residence administrator certification.-

238 (1) It is the intent of the Legislature that a recovery
239 residence administrator voluntarily earn and maintain
240 certification from a credentialing entity approved by the
241 Department of Children and Families. The Legislature further
242 intends that certification ensure that an administrator has the
243 competencies necessary to appropriately respond to the needs of
244 residents, to maintain residence standards, and to meet
245 residence certification requirements.

246 (2) The department shall approve at least one credentialing
247 entity by December 1, 2015, for the purpose of developing and
248 administering a voluntary credentialing program for
249 administrators. The department shall approve any credentialing
250 entity that the department endorses pursuant to s. 397.321(16)
251 if the credentialing entity also meets the requirements of this
252 section. The approved credentialing entity shall:

253 (a) Establish recovery residence administrator core
254 competencies, certification requirements, testing instruments,
255 and recertification requirements.

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

258 (c) Develop and administer:

259 1. A code of ethics and disciplinary process.



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260 2. Biennial continuing education requirements and annual
261 certification renewal requirements.

262 3. An education provider program to approve training
263 entities that are qualified to provide precertification training
264 to applicants and continuing education opportunities to
265 certified persons.

266 (3) A credentialing entity shall establish a certification
267 program that:

268 (a) Is directly related to the core competencies.

269 (b) Establishes minimum requirements in each of the
270 following categories:

271 1. Training.

272 2. On-the-job work experience.

273 3. Supervision.

274 4. Testing.

275 5. Biennial continuing education.

276 (c) Requires adherence to a code of ethics and provides for
277 a disciplinary process that applies to certified persons.

278 (d) Approves qualified training entities that provide
279 precertification training to applicants and continuing education
280 to certified recovery residence administrators. To avoid a
281 conflict of interest, a credentialing entity or its affiliate
282 may not deliver training to an applicant or continuing education
283 to a certificateholder.

284 (4) A credentialing entity shall establish application,
285 examination, and certification fees and an annual certification
286 renewal fee. The application, examination, and certification fee
287 may not exceed \$225. The annual certification renewal fee may
288 not exceed \$100.



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289 (5) All applicants are subject to level 2 background
290 screening as provided under chapter 435. An applicant is
291 ineligible, and a credentialing entity shall deny the
292 application, if the applicant has been found guilty of, or has
293 entered a plea of guilty or nolo contendere to, regardless of
294 adjudication, any offense listed in s. 435.04(2) unless the
295 department has issued an exemption under s. 397.4872. In
296 accordance with s. 435.04, the department shall notify the
297 credentialing agency of the applicant's eligibility based on the
298 results of a background screening.

299 (6) The credentialing entity shall issue a certificate of
300 compliance upon approval of a person's application. The
301 certification shall automatically terminate 1 year after
302 issuance if not renewed.

303 (a) A credentialing entity may suspend or revoke the
304 recovery residence administrator's certificate of compliance if
305 the recovery residence administrator fails to adhere to the
306 continuing education requirements.

307 (b) If a certified recovery residence administrator of a
308 recovery residence is arrested for or found guilty of, or enters
309 a plea of guilty or nolo contendere to, regardless of
310 adjudication, any offense listed in s. 435.04(2) while acting in
311 that capacity, the recovery residence shall immediately remove
312 the person from that position and shall notify the credentialing
313 entity within 3 business days after such removal. The recovery
314 residence shall have 30 days to retain a certified recovery
315 residence administrator. The credentialing entity shall revoke
316 the certificate of compliance of any recovery residence that
317 fails to meet these requirements.



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318 (c) A credentialing entity shall revoke a recovery
319 residence administrator's certificate of compliance if the
320 recovery residence administrator provides false or misleading
321 information to the credentialing entity at any time.

322 (7) A person may not advertise himself or herself to the
323 public, in any way or by any medium whatsoever, as a "certified
324 recovery residence administrator" unless he or she has first
325 secured a certificate of compliance under this section. A person
326 who violates this subsection commits a misdemeanor of the first
327 degree, punishable as provided in s. 775.082 or s. 775.083.

328 (8) A certified recovery residence administrator may not
329 actively manage more than one recovery residence at any given
330 time.

331 Section 4. Section 397.4872, Florida Statutes, is created
332 to read:

333 397.4872 Exemption from disqualification; publication.—

334 (1) Individual exemptions to staff disqualification or
335 administrator ineligibility may be requested if a recovery
336 residence deems the decision will benefit the program. Requests
337 for exemptions shall be submitted in writing to the department
338 within 20 days of the denial by the credentialing entity and
339 must include a justification for the exemption.

340 (2) The department may exempt a person from ss. 397.487
341 (6) and 397.4871(5) if it has been at least 3 years since the
342 person has completed or been lawfully released from confinement,
343 supervision, or sanction for the disqualifying offense. An
344 exemption from the disqualifying offenses may not be given under
345 any circumstances for any person who is a:

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



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347 (b) Career offender pursuant to s. 775.261; or
348 (c) Sexual offender pursuant to s. 943.0435, unless the
349 requirement to register as a sexual offender has been removed
350 pursuant to s. 943.04354.
351 (3) By April 1, 2016, each credentialing entity shall
352 submit a list to the department of all recovery residences and
353 recovery residence administrators certified by the credentialing
354 entity that hold a valid certificate of compliance. Thereafter,
355 the credentialing entity must notify the department within 3
356 business days after a new recovery residence or recovery
357 residence administrator is certified or a recovery residence or
358 recovery residence administrator's certificate expires or is
359 terminated. The department shall publish on its website a list
360 of all recovery residences that hold a valid certificate of
361 compliance. The department shall also publish on its website a
362 list of all recovery residence administrators who hold a valid
363 certificate of compliance. A recovery residence or recovery
364 residence administrator shall be excluded from the list upon
365 written request to the department by the listed individual or
366 entity.

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

370 397.407 Licensure process; fees.-

371 (1) The department shall establish by rule the licensure
372 process to include fees and categories of licenses. The rule
373 must prescribe a fee range that is based, at least in part, on
374 the number and complexity of programs listed in s. 397.311(22)
375 ~~397.311(18)~~ which are operated by a licensee. The fees from the



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376 licensure of service components are sufficient to cover at least
377 50 percent of the costs of regulating the service components.
378 The department shall specify by rule a fee range for public and
379 privately funded licensed service providers. Fees for privately
380 funded licensed service providers must exceed the fees for
381 publicly funded licensed service providers. During adoption of
382 the rule governing the licensure process and fees, the
383 department shall carefully consider the potential adverse impact
384 on small, not-for-profit service providers.

385 (5) The department may issue probationary, regular, and
386 interim licenses. After adopting the rule governing the
387 licensure process and fees, the department shall issue one
388 license for each service component that is operated by a service
389 provider and defined in rule pursuant to s. 397.311(22)
390 ~~397.311(18)~~. The license is valid only for the specific service
391 components listed for each specific location identified on the
392 license. The licensed service provider shall apply for a new
393 license at least 60 days before the addition of any service
394 components or 30 days before the relocation of any of its
395 service sites. Provision of service components or delivery of
396 services at a location not identified on the license may be
397 considered an unlicensed operation that authorizes the
398 department to seek an injunction against operation as provided
399 in s. 397.401, in addition to other sanctions authorized by s.
400 397.415. Probationary and regular licenses may be issued only
401 after all required information has been submitted. A license may
402 not be transferred. As used in this subsection, the term
403 "transfer" includes, but is not limited to, the transfer of a
404 majority of the ownership interest in the licensed entity or



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405 transfer of responsibilities under the license to another entity
406 by contractual arrangement.

407 (11) Effective July 1, 2016, a service provider licensed
408 under this part may not refer a current or discharged patient to
409 a recovery residence unless the recovery residence holds a valid
410 certificate of compliance as provided in s. 397.487, and is
411 actively managed by a certified recovery residence administrator
412 as provided in s. 397.4871, or is owned and operated by a
413 licensed service provider or a licensed service provider's
414 wholly owned subsidiary. For purposes of this subsection, the
415 term "refer" means to inform a patient by any means about the
416 name, address, or other details of the recovery residence.
417 However, this subsection does not require a licensed service
418 provider to refer any patient to a recovery residence.

419 Section 6. Paragraph (e) of subsection (5) of section
420 212.055, Florida Statutes, is amended to read:

421 212.055 Discretionary sales surtaxes; legislative intent;
422 authorization and use of proceeds.—It is the legislative intent
423 that any authorization for imposition of a discretionary sales
424 surtax shall be published in the Florida Statutes as a
425 subsection of this section, irrespective of the duration of the
426 levy. Each enactment shall specify the types of counties
427 authorized to levy; the rate or rates which may be imposed; the
428 maximum length of time the surtax may be imposed, if any; the
429 procedure which must be followed to secure voter approval, if
430 required; the purpose for which the proceeds may be expended;
431 and such other requirements as the Legislature may provide.
432 Taxable transactions and administrative procedures shall be as
433 provided in s. 212.054.



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434 (5) COUNTY PUBLIC HOSPITAL SURTAX.—Any county as defined in
435 s. 125.011(1) may levy the surtax authorized in this subsection
436 pursuant to an ordinance either approved by extraordinary vote
437 of the county commission or conditioned to take effect only upon
438 approval by a majority vote of the electors of the county voting
439 in a referendum. In a county as defined in s. 125.011(1), for
440 the purposes of this subsection, “county public general
441 hospital” means a general hospital as defined in s. 395.002
442 which is owned, operated, maintained, or governed by the county
443 or its agency, authority, or public health trust.

444 (e) A governing board, agency, or authority shall be
445 chartered by the county commission upon this act becoming law.
446 The governing board, agency, or authority shall adopt and
447 implement a health care plan for indigent health care services.
448 The governing board, agency, or authority shall consist of no
449 more than seven and no fewer than five members appointed by the
450 county commission. The members of the governing board, agency,
451 or authority shall be at least 18 years of age and residents of
452 the county. No member may be employed by or affiliated with a
453 health care provider or the public health trust, agency, or
454 authority responsible for the county public general hospital.
455 The following community organizations shall each appoint a
456 representative to a nominating committee: the South Florida
457 Hospital and Healthcare Association, the Miami-Dade County
458 Public Health Trust, the Dade County Medical Association, the
459 Miami-Dade County Homeless Trust, and the Mayor of Miami-Dade
460 County. This committee shall nominate between 10 and 14 county
461 citizens for the governing board, agency, or authority. The
462 slate shall be presented to the county commission and the county



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463 commission shall confirm the top five to seven nominees,
464 depending on the size of the governing board. Until such time as
465 the governing board, agency, or authority is created, the funds
466 provided for in subparagraph (d)2. shall be placed in a
467 restricted account set aside from other county funds and not
468 disbursed by the county for any other purpose.

469 1. The plan shall divide the county into a minimum of four
470 and maximum of six service areas, with no more than one
471 participant hospital per service area. The county public general
472 hospital shall be designated as the provider for one of the
473 service areas. Services shall be provided through participants'
474 primary acute care facilities.

475 2. The plan and subsequent amendments to it shall fund a
476 defined range of health care services for both indigent persons
477 and the medically poor, including primary care, preventive care,
478 hospital emergency room care, and hospital care necessary to
479 stabilize the patient. For the purposes of this section,
480 "stabilization" means stabilization as defined in s. 397.311(41)
481 ~~397.311(35)~~. Where consistent with these objectives, the plan
482 may include services rendered by physicians, clinics, community
483 hospitals, and alternative delivery sites, as well as at least
484 one regional referral hospital per service area. The plan shall
485 provide that agreements negotiated between the governing board,
486 agency, or authority and providers shall recognize hospitals
487 that render a disproportionate share of indigent care, provide
488 other incentives to promote the delivery of charity care to draw
489 down federal funds where appropriate, and require cost
490 containment, including, but not limited to, case management.
491 From the funds specified in subparagraphs (d)1. and 2. for



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492 indigent health care services, service providers shall receive
493 reimbursement at a Medicaid rate to be determined by the
494 governing board, agency, or authority created pursuant to this
495 paragraph for the initial emergency room visit, and a per-member
496 per-month fee or capitation for those members enrolled in their
497 service area, as compensation for the services rendered
498 following the initial emergency visit. Except for provisions of
499 emergency services, upon determination of eligibility,
500 enrollment shall be deemed to have occurred at the time services
501 were rendered. The provisions for specific reimbursement of
502 emergency services shall be repealed on July 1, 2001, unless
503 otherwise reenacted by the Legislature. The capitation amount or
504 rate shall be determined prior to program implementation by an
505 independent actuarial consultant. In no event shall such
506 reimbursement rates exceed the Medicaid rate. The plan must also
507 provide that any hospitals owned and operated by government
508 entities on or after the effective date of this act must, as a
509 condition of receiving funds under this subsection, afford
510 public access equal to that provided under s. 286.011 as to any
511 meeting of the governing board, agency, or authority the subject
512 of which is budgeting resources for the retention of charity
513 care, as that term is defined in the rules of the Agency for
514 Health Care Administration. The plan shall also include
515 innovative health care programs that provide cost-effective
516 alternatives to traditional methods of service and delivery
517 funding.

518 3. The plan's benefits shall be made available to all
519 county residents currently eligible to receive health care
520 services as indigents or medically poor as defined in paragraph



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521 (4) (d).

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

526 5. At the end of each fiscal year, the governing board,
527 agency, or authority shall prepare an audit that reviews the
528 budget of the plan, delivery of services, and quality of
529 services, and makes recommendations to increase the plan's
530 efficiency. The audit shall take into account participant
531 hospital satisfaction with the plan and assess the amount of
532 poststabilization patient transfers requested, and accepted or
533 denied, by the county public general hospital.

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

536 394.9085 Behavioral provider liability.—

537 (6) For purposes of this section, the terms "detoxification
538 services," "addictions receiving facility," and "receiving
539 facility" have the same meanings as those provided in ss.

540 397.311(22)(a)4. ~~397.311(18)(a)4.~~, 397.311(22)(a)1.

541 ~~397.311(18)(a)1.~~, and 394.455(26), respectively.

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

544 397.405 Exemptions from licensure.—The following are exempt
545 from the licensing provisions of this chapter:

546 (8) A legally cognizable church or nonprofit religious
547 organization or denomination providing substance abuse services,
548 including prevention services, which are solely religious,
549 spiritual, or ecclesiastical in nature. A church or nonprofit



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550 religious organization or denomination providing any of the
551 licensed service components itemized under s. 397.311(22)
552 ~~397.311(18)~~ is not exempt from substance abuse licensure but
553 retains its exemption with respect to all services which are
554 solely religious, spiritual, or ecclesiastical in nature.
555

556 The exemptions from licensure in this section do not apply
557 to any service provider that receives an appropriation, grant,
558 or contract from the state to operate as a service provider as
559 defined in this chapter or to any substance abuse program
560 regulated pursuant to s. 397.406. Furthermore, this chapter may
561 not be construed to limit the practice of a physician or
562 physician assistant licensed under chapter 458 or chapter 459, a
563 psychologist licensed under chapter 490, a psychotherapist
564 licensed under chapter 491, or an advanced registered nurse
565 practitioner licensed under part I of chapter 464, who provides
566 substance abuse treatment, so long as the physician, physician
567 assistant, psychologist, psychotherapist, or advanced registered
568 nurse practitioner does not represent to the public that he or
569 she is a licensed service provider and does not provide services
570 to individuals pursuant to part V of this chapter. Failure to
571 comply with any requirement necessary to maintain an exempt
572 status under this section is a misdemeanor of the first degree,
573 punishable as provided in s. 775.082 or s. 775.083.

574 Section 9. Section 397.416, Florida Statutes, is amended to
575 read:

576 397.416 Substance abuse treatment services; qualified
577 professional.—Notwithstanding any other provision of law, a
578 person who was certified through a certification process



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579 recognized by the former Department of Health and Rehabilitative
580 Services before January 1, 1995, may perform the duties of a
581 qualified professional with respect to substance abuse treatment
582 services as defined in this chapter, and need not meet the
583 certification requirements contained in s. 397.311(30)
584 ~~397.311(26)~~.

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

587 440.102 Drug-free workplace program requirements.—The
588 following provisions apply to a drug-free workplace program
589 implemented pursuant to law or to rules adopted by the Agency
590 for Health Care Administration:

591 (1) DEFINITIONS.—Except where the context otherwise
592 requires, as used in this act:

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

597 (g) "Employee assistance program" means an established
598 program capable of providing expert assessment of employee
599 personal concerns; confidential and timely identification
600 services with regard to employee drug abuse; referrals of
601 employees for appropriate diagnosis, treatment, and assistance;
602 and followup services for employees who participate in the
603 program or require monitoring after returning to work. If, in
604 addition to the above activities, an employee assistance program
605 provides diagnostic and treatment services, these services shall
606 in all cases be provided by service providers pursuant to s.
607 397.311(39) ~~397.311(33)~~.



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