

By Senator Clemens

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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

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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"; conforming cross-  
51 references; amending ss. 212.055, 394.9085, 397.405,  
52 397.416, and 440.102, F.S.; conforming cross-  
53 references; providing an effective date.

54  
55 Be It Enacted by the Legislature of the State of Florida:  
56

57 Section 1. Present subsection (32) of section 397.311,  
58 Florida Statutes, is amended, present subsections (4) and (5),

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59 present subsections (6) through (28), and present subsections  
60 (29) through (39) are renumbered as subsections (7) and (8),  
61 subsections (10) through (32), and subsections (35) through  
62 (45), respectively, and new subsections (4), (5), (6), (9),  
63 (33), and (34) are added to that section, to 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 is  
67 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,

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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 to  
96 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

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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.

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- 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 a  
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 employees  
161 of a recovery residence pass a level 2 background screening as  
162 provided in s. 435.04. The employee's fingerprints shall be  
163 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

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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 or  
189 by any medium whatsoever, any recovery residence as a "certified  
190 recovery residence" unless such recovery residence has first  
191 secured a certificate of compliance under this section. A person  
192 who violates this subsection commits a misdemeanor of the first  
193 degree, punishable as provided in s. 775.082 or s. 775.083.

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

196 397.4871 Recovery residence administrator certification.—

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

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204 residence certification requirements.

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

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

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

218 (c) Demonstrate ability to administer:

219 1. A code of ethics and disciplinary process.

220 2. Biennial continuing education requirements and annual  
221 certification renewal requirements.

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

226 (3) A credentialing entity shall establish a certification  
227 program that:

228 (a) Is established according to nationally recognized  
229 certification and psychometric standards.

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

231 (c) Establishes minimum requirements in each of the  
232 following categories:



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233       1. Training.

234       2. On-the-job work experience.

235       3. Supervision.

236       4. Testing.

237       5. Biennial continuing education.

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

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

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

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

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

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

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

272 (a) Fails to adhere to the continuing education  
273 requirements; or

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

277 (9) A person may not advertise himself or herself to the  
278 public, in any way or by any medium whatsoever, as a "certified  
279 recovery residence administrator" unless he or she has first  
280 secured a certificate of compliance under this section. A person  
281 who violates this subsection commits a misdemeanor of the first  
282 degree, punishable as provided in s. 775.082 or s. 775.083.

283 Section 4. Section 397.4872, Florida Statutes, is created  
284 to read:

285 397.4872 Exemption from disqualification; publication.—

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

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

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

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

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

303       (3) By April 1, 2016, a credentialing entity shall submit a  
304 list to the department of all recovery residences and recovery  
305 residence administrators certified by the credentialing entity  
306 which hold a valid certificate of compliance. Thereafter, the  
307 credentialing entity shall notify the department within 3  
308 business days after a new recovery residence administrator is  
309 certified or a recovery residence administrator's certificate  
310 expires or is terminated. The department shall publish on its  
311 website a list of all recovery residences and recovery residence  
312 administrators that hold a valid certificate of compliance. A  
313 recovery residence or recovery residence administrator shall be  
314 excluded from the list if the recovery residence administrator  
315 submits a written request to the department.

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

319       397.407 Licensure process; fees.-

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

334 (5) The department may issue probationary, regular, and  
335 interim licenses. After adopting the rule governing the  
336 licensure process and fees, the department shall issue one  
337 license for each service component that is operated by a service  
338 provider and defined in rule pursuant to s. 397.311(22) ~~s.~~  
339 ~~397.311(18)~~. The license is valid only for the specific service  
340 components listed for each specific location identified on the  
341 license. The licensed service provider shall apply for a new  
342 license at least 60 days before the addition of any service  
343 components or 30 days before the relocation of any of its  
344 service sites. Provision of service components or delivery of  
345 services at a location not identified on the license may be  
346 considered an unlicensed operation that authorizes the  
347 department to seek an injunction against operation as provided  
348 in s. 397.401, in addition to other sanctions authorized by s.

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349 397.415. Probationary and regular licenses may be issued only  
350 after all required information has been submitted. A license may  
351 not be transferred. As used in this subsection, the term  
352 "transfer" includes, but is not limited to, the transfer of a  
353 majority of the ownership interest in the licensed entity or  
354 transfer of responsibilities under the license to another entity  
355 by contractual arrangement.

356 (11) Effective July 1, 2016, a service provider licensed  
357 under this part may not refer a current or discharged patient to  
358 a recovery residence unless the recovery residence holds a valid  
359 certificate of compliance as provided in s. 397.487, is actively  
360 managed by a certified recovery residence administrator as  
361 provided in s. 397.4871, or both, or is owned and operated by a  
362 licensed service provider or a licensed service provider's  
363 wholly owned subsidiary. For purposes of this subsection, the  
364 term "refer" means to inform a patient by any means about the  
365 name, address, or other details of the recovery residence.  
366 However, this subsection does not require a licensed service  
367 provider to refer any patient to a recovery residence.

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

370 212.055 Discretionary sales surtaxes; legislative intent;  
371 authorization and use of proceeds.—It is the legislative intent  
372 that any authorization for imposition of a discretionary sales  
373 surtax shall be published in the Florida Statutes as a  
374 subsection of this section, irrespective of the duration of the  
375 levy. Each enactment shall specify the types of counties  
376 authorized to levy; the rate or rates which may be imposed; the  
377 maximum length of time the surtax may be imposed, if any; the

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378 procedure which must be followed to secure voter approval, if  
379 required; the purpose for which the proceeds may be expended;  
380 and such other requirements as the Legislature may provide.  
381 Taxable transactions and administrative procedures shall be as  
382 provided in s. 212.054.

383 (5) COUNTY PUBLIC HOSPITAL SURTAX.—Any county as defined in  
384 s. 125.011(1) may levy the surtax authorized in this subsection  
385 pursuant to an ordinance either approved by extraordinary vote  
386 of the county commission or conditioned to take effect only upon  
387 approval by a majority vote of the electors of the county voting  
388 in a referendum. In a county as defined in s. 125.011(1), for  
389 the purposes of this subsection, “county public general  
390 hospital” means a general hospital as defined in s. 395.002  
391 which is owned, operated, maintained, or governed by the county  
392 or its agency, authority, or public health trust.

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

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407 Public Health Trust, the Dade County Medical Association, the  
408 Miami-Dade County Homeless Trust, and the Mayor of Miami-Dade  
409 County. This committee shall nominate between 10 and 14 county  
410 citizens for the governing board, agency, or authority. The  
411 slate shall be presented to the county commission and the county  
412 commission shall confirm the top five to seven nominees,  
413 depending on the size of the governing board. Until such time as  
414 the governing board, agency, or authority is created, the funds  
415 provided for in subparagraph (d)2. shall be placed in a  
416 restricted account set aside from other county funds and not  
417 disbursed by the county for any other purpose.

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

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

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



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465 alternatives to traditional methods of service and delivery  
466 funding.

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

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

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

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

485 394.9085 Behavioral provider liability.—

486 (6) For purposes of this section, the terms "detoxification  
487 services," "addictions receiving facility," and "receiving  
488 facility" have the same meanings as those provided in ss.  
489 397.311(22)(a)4. ~~ss. 397.311(18)(a)4., 397.311(22)(a)1.~~  
490 ~~397.311(18)(a)1.,~~ and 394.455(26), respectively.

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

493 397.405 Exemptions from licensure.—The following are exempt

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494 from the licensing provisions of this chapter:

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

504  
505 The exemptions from licensure in this section do not apply to  
506 any service provider that receives an appropriation, grant, or  
507 contract from the state to operate as a service provider as  
508 defined in this chapter or to any substance abuse program  
509 regulated pursuant to s. 397.406. Furthermore, this chapter may  
510 not be construed to limit the practice of a physician or  
511 physician assistant licensed under chapter 458 or chapter 459, a  
512 psychologist licensed under chapter 490, a psychotherapist  
513 licensed under chapter 491, or an advanced registered nurse  
514 practitioner licensed under part I of chapter 464, who provides  
515 substance abuse treatment, so long as the physician, physician  
516 assistant, psychologist, psychotherapist, or advanced registered  
517 nurse practitioner does not represent to the public that he or  
518 she is a licensed service provider and does not provide services  
519 to individuals pursuant to part V of this chapter. Failure to  
520 comply with any requirement necessary to maintain an exempt  
521 status under this section is a misdemeanor of the first degree,  
522 punishable as provided in s. 775.082 or s. 775.083.

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523 Section 9. Section 397.416, Florida Statutes, is amended to  
524 read:

525 397.416 Substance abuse treatment services; qualified  
526 professional.—Notwithstanding any other provision of law, a  
527 person who was certified through a certification process  
528 recognized by the former Department of Health and Rehabilitative  
529 Services before January 1, 1995, may perform the duties of a  
530 qualified professional with respect to substance abuse treatment  
531 services as defined in this chapter, and need not meet the  
532 certification requirements contained in s. 397.311(30) ~~s.~~  
533 ~~397.311(26)~~.

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

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

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

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

546 (g) "Employee assistance program" means an established  
547 program capable of providing expert assessment of employee  
548 personal concerns; confidential and timely identification  
549 services with regard to employee drug abuse; referrals of  
550 employees for appropriate diagnosis, treatment, and assistance;  
551 and followup services for employees who participate in the

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552 program or require monitoring after returning to work. If, in  
553 addition to the above activities, an employee assistance program  
554 provides diagnostic and treatment services, these services shall  
555 in all cases be provided by service providers pursuant to s.  
556 397.311(39) ~~s. 397.311(33)~~.

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