

By the Committees on Appropriations; and Children, Families, and Elder Affairs; and Senators Clemens and Sachs

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

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30 certifying recovery residence administrators who meet
31 certain qualifications; requiring an approved
32 credentialing entity to establish certain fees;
33 requiring background screening of applicants for
34 recovery residence administrator certification;
35 providing for suspension or revocation of
36 certification; providing a criminal penalty for
37 falsely advertising oneself as a "certified recovery
38 residence administrator"; prohibiting a certified
39 recovery residence administrator from managing more
40 than three recovery residences at any given time;
41 creating s. 397.4872, F.S.; providing exemptions from
42 disqualifying offenses; requiring credentialing
43 entities to provide the department with a list of all
44 certified recovery residences and recovery residence
45 administrators by a date certain; requiring the
46 department to publish the list on its website;
47 allowing recovery residences and recovery residence
48 administrators to be excluded from the list upon
49 written request to the department; amending s.
50 397.407, F.S.; providing conditions for a licensed
51 service provider to refer patients to a certified
52 recovery residence or a recovery residence owned and
53 operated by the licensed service provider; defining
54 the term "refer"; conforming cross-references;
55 amending ss. 212.055, 394.9085, 397.405, 397.416, and
56 440.102, F.S.; conforming cross-references; providing
57 an effective date.
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59 Be It Enacted by the Legislature of the State of Florida:

60
61 Section 1. Subsections (4) and (5), subsections (6) through
62 (28), and subsections (29) through (39) of section 397.311,
63 Florida Statutes, are renumbered as subsections (7) and (8),
64 subsections (10) through (32), and subsections (35) through
65 (45), respectively, present subsections (7) and (32) of that
66 section are amended, and new subsections (4), (5), (6), (9),
67 (33), and (34) are added to that section, to read:

68 397.311 Definitions.—As used in this chapter, except part
69 VIII, the term:

70 (4) "Certificate of compliance" means a certificate that is
71 issued by a credentialing entity to a recovery residence or a
72 recovery residence administrator.

73 (5) "Certified recovery residence" means a recovery
74 residence that holds a valid certificate of compliance and is
75 actively managed by a certified recovery residence
76 administrator.

77 (6) "Certified recovery residence administrator" means a
78 recovery residence administrator who holds a valid certificate
79 of compliance.

80 (9) "Credentialing entity" means a nonprofit organization
81 that develops and administers professional, facility, or
82 organization certification programs according to applicable
83 nationally recognized certification or psychometric standards.

84 (11)~~(7)~~ "Director" means the chief administrative or
85 executive officer of a service provider or recovery residence.

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

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88 advertised through any means, including oral, written,
89 electronic, or printed means, by any person or entity as a
90 residence that provides a peer-supported, alcohol-free, and
91 drug-free living environment.

92 (34) "Recovery residence administrator" means the person
93 responsible for overall management of the recovery residence,
94 including, but not limited to, the supervision of residents and
95 staff employed by, or volunteering for, the residence.

96 (38)~~(32)~~ "Service component" or "component" means a
97 discrete operational entity within a service provider which is
98 subject to licensing as defined by rule. Service components
99 include prevention, intervention, and clinical treatment
100 described in subsection (22) ~~(18)~~.

101 Section 2. Section 397.487, Florida Statutes, is created to
102 read:

103 397.487 Voluntary certification of recovery residences.—

104 (1) The Legislature finds that a person suffering from
105 addiction has a higher success rate of achieving long-lasting
106 sobriety when given the opportunity to build a stronger
107 foundation by living in a recovery residence after completing
108 treatment. The Legislature further finds that this state and its
109 subdivisions have a legitimate state interest in protecting
110 these persons, who represent a vulnerable consumer population in
111 need of adequate housing. It is the intent of the Legislature to
112 protect persons who reside in a recovery residence.

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

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117 (a) Establish recovery residence certification
118 requirements.

119 (b) Establish procedures to:

120 1. Administer the application, certification,
121 recertification, and disciplinary processes.

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

124 3. Interview and evaluate residents, employees, and
125 volunteer staff on their knowledge and application of
126 certification requirements.

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

128 (d) Develop a code of ethics.

129 (e) Establish application, inspection, and annual
130 certification renewal fees. The application fee may not exceed
131 \$100. Any onsite inspection fee shall reflect actual costs for
132 inspections. The annual certification renewal fee may not exceed
133 \$100.

134 (3) A credentialing entity shall require the recovery
135 residence to submit the following documents with the completed
136 application and fee:

137 (a) A policy and procedures manual containing:

138 1. Job descriptions for all staff positions.

139 2. Drug-testing procedures and requirements.

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

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

144 5. A good neighbor policy to address neighborhood concerns
145 and complaints.

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- 146 (b) Rules for residents.
- 147 (c) Copies of all forms provided to residents.
- 148 (d) Intake procedures.
- 149 (e) Sexual predator and sexual offender registry compliance
150 policy.
- 151 (f) Relapse policy.
- 152 (g) Fee schedule.
- 153 (h) Refund policy.
- 154 (i) Eviction procedures and policy.
- 155 (j) Code of ethics.
- 156 (k) Proof of insurance.
- 157 (l) Proof of background screening.
- 158 (m) Proof of satisfactory fire, safety, and health
159 inspections.
- 160 (4) A certified recovery residence must be actively managed
161 by a certified recovery residence administrator. All
162 applications for certification must include the name of the
163 certified recovery residence administrator who will be actively
164 managing the applicant recovery residence.
- 165 (5) Upon receiving a complete application, a credentialing
166 entity shall conduct an onsite inspection of the recovery
167 residence.
- 168 (6) All owners, directors, and chief financial officers of
169 an applicant recovery residence are subject to level 2
170 background screening as provided under chapter 435. A recovery
171 residence is ineligible for certification, and a credentialing
172 entity shall deny a recovery residence's application, if any
173 owner, director, or chief financial officer has been found
174 guilty of, or has entered a plea of guilty or nolo contendere

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175 to, regardless of adjudication, any offense listed in s.
176 435.04(2) unless the department has issued an exemption under s.
177 397.4872. In accordance with s. 435.04, the department shall
178 notify the credentialing agency of an owner's, director's, or
179 chief financial officer's eligibility based on the results of
180 his or her background screening.

181 (7) A credentialing entity shall issue a certificate of
182 compliance upon approval of the recovery residence's application
183 and inspection. The certification shall automatically terminate
184 1 year after issuance if not renewed.

185 (8) Onsite followup monitoring of a certified recovery
186 residence may be conducted by the credentialing entity to
187 determine continuing compliance with certification requirements.
188 The credentialing entity shall inspect each certified recovery
189 residence at least annually to ensure compliance.

190 (a) A credentialing entity may suspend or revoke a
191 certification if the recovery residence is not in compliance
192 with any provision of this section or has failed to remedy any
193 deficiency identified by the credentialing entity within the
194 time period specified.

195 (b) A certified recovery residence must notify the
196 credentialing entity within 3 business days after the removal of
197 the recovery residence's certified recovery residence
198 administrator due to termination, resignation, or any other
199 reason. The recovery residence has 30 days to retain a certified
200 recovery residence administrator. The credentialing entity shall
201 revoke the certificate of compliance of any recovery residence
202 that fails to comply with this paragraph.

203 (c) If any owner, director, or chief financial officer of a

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204 certified recovery residence is arrested for or found guilty of,
205 or enters a plea of guilty or nolo contendere to, regardless of
206 adjudication, any offense listed in s. 435.04(2) while acting in
207 that capacity, the certified recovery residence shall
208 immediately remove the person from that position and shall
209 notify the credentialing entity within 3 business days after
210 such removal. The credentialing entity shall revoke the
211 certificate of compliance of a recovery residence that fails to
212 meet these requirements.

213 (d) A credentialing entity shall revoke a recovery
214 residence's certificate of compliance if the recovery residence
215 provides false or misleading information to the credentialing
216 entity at any time.

217 (9) A person may not advertise to the public, in any way or
218 by any medium whatsoever, any recovery residence as a "certified
219 recovery residence" unless such recovery residence has first
220 secured a certificate of compliance under this section. A person
221 who violates this subsection commits a misdemeanor of the first
222 degree, punishable as provided in s. 775.082 or s. 775.083.

223 Section 3. Section 397.4871, Florida Statutes, is created
224 to read:

225 397.4871 Recovery residence administrator certification.-

226 (1) It is the intent of the Legislature that a recovery
227 residence administrator voluntarily earn and maintain
228 certification from a credentialing entity approved by the
229 Department of Children and Families. The Legislature further
230 intends that certification ensure that an administrator has the
231 competencies necessary to appropriately respond to the needs of
232 residents, to maintain residence standards, and to meet

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233 residence certification requirements.

234 (2) The department shall approve at least one credentialing
235 entity by December 1, 2015, for the purpose of developing and
236 administering a voluntary credentialing program for
237 administrators. The department shall approve any credentialing
238 entity that the department endorses pursuant to s. 397.321(16)
239 if the credentialing entity also meets the requirements of this
240 section. The approved credentialing entity shall:

241 (a) Establish recovery residence administrator core
242 competencies, certification requirements, testing instruments,
243 and recertification requirements.

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

246 (c) Develop and administer:

247 1. A code of ethics and disciplinary process.

248 2. Biennial continuing education requirements and annual
249 certification renewal requirements.

250 3. An education provider program to approve training
251 entities that are qualified to provide precertification training
252 to applicants and continuing education opportunities to
253 certified persons.

254 (3) A credentialing entity shall establish a certification
255 program that:

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

257 (b) Establishes minimum requirements in each of the
258 following categories:

259 1. Training.

260 2. On-the-job work experience.

261 3. Supervision.

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262 4. Testing.

263 5. Biennial continuing education.

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

266 (d) Approves qualified training entities that provide
267 precertification training to applicants and continuing education
268 to certified recovery residence administrators. To avoid a
269 conflict of interest, a credentialing entity or its affiliate
270 may not deliver training to an applicant or continuing education
271 to a certificateholder.

272 (4) A credentialing entity shall establish application,
273 examination, and certification fees and an annual certification
274 renewal fee. The application, examination, and certification fee
275 may not exceed \$225. The annual certification renewal fee may
276 not exceed \$100.

277 (5) All applicants are subject to level 2 background
278 screening as provided under chapter 435. An applicant is
279 ineligible, and a credentialing entity shall deny the
280 application, if the applicant has been found guilty of, or has
281 entered a plea of guilty or nolo contendere to, regardless of
282 adjudication, any offense listed in s. 435.04(2) unless the
283 department has issued an exemption under s. 397.4872. In
284 accordance with s. 435.04, the department shall notify the
285 credentialing agency of the applicant's eligibility based on the
286 results of his or her background screening.

287 (6) The credentialing entity shall issue a certificate of
288 compliance upon approval of a person's application. The
289 certification shall automatically terminate 1 year after
290 issuance if not renewed.

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291 (a) A credentialing entity may suspend or revoke the
292 recovery residence administrator's certificate of compliance if
293 the recovery residence administrator fails to adhere to the
294 continuing education requirements.

295 (b) If a certified recovery residence administrator of a
296 recovery residence is arrested for or found guilty of, or enters
297 a plea of guilty or nolo contendere to, regardless of
298 adjudication, any offense listed in s. 435.04(2) while acting in
299 that capacity, the recovery residence shall immediately remove
300 the person from that position and shall notify the credentialing
301 entity within 3 business days after such removal. The recovery
302 residence shall have 30 days to retain a certified recovery
303 residence administrator. The credentialing entity shall revoke
304 the certificate of compliance of any recovery residence that
305 fails to meet these requirements.

306 (c) A credentialing entity shall revoke a recovery
307 residence administrator's certificate of compliance if the
308 recovery residence administrator provides false or misleading
309 information to the credentialing entity at any time.

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

316 (8) A certified recovery residence administrator may
317 actively manage no more than three recovery residences at any
318 given time.

319 Section 4. Section 397.4872, Florida Statutes, is created

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320 to read:

321 397.4872 Exemption from disqualification; publication.—

322 (1) Individual exemptions to staff disqualification or
323 administrator ineligibility may be requested if a recovery
324 residence deems the decision will benefit the program. Requests
325 for exemptions must be submitted in writing to the department
326 within 20 days after the denial by the credentialing entity and
327 must include a justification for the exemption.

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

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

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

336 (c) Sexual offender pursuant to s. 943.0435, unless the
337 requirement to register as a sexual offender has been removed
338 pursuant to s. 943.04354.

339 (3) By April 1, 2016, each credentialing entity shall
340 submit a list to the department of all recovery residences and
341 recovery residence administrators certified by the credentialing
342 entity that hold a valid certificate of compliance. Thereafter,
343 the credentialing entity must notify the department within 3
344 business days after a new recovery residence or recovery
345 residence administrator is certified or a recovery residence or
346 recovery residence administrator's certificate expires or is
347 terminated. The department shall publish on its website a list
348 of all recovery residences that hold a valid certificate of

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349 compliance. The department shall also publish on its website a
350 list of all recovery residence administrators who hold a valid
351 certificate of compliance. A recovery residence or recovery
352 residence administrator shall be excluded from the list upon
353 written request to the department by the listed individual or
354 entity.

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

358 397.407 Licensure process; fees.—

359 (1) The department shall establish by rule the licensure
360 process to include fees and categories of licenses. The rule
361 must prescribe a fee range that is based, at least in part, on
362 the number and complexity of programs listed in s. 397.311(22)
363 ~~s. 397.311(18)~~ which are operated by a licensee. The fees from
364 the licensure of service components are sufficient to cover at
365 least 50 percent of the costs of regulating the service
366 components. The department shall specify by rule a fee range for
367 public and privately funded licensed service providers. Fees for
368 privately funded licensed service providers must exceed the fees
369 for publicly funded licensed service providers. During adoption
370 of the rule governing the licensure process and fees, the
371 department shall carefully consider the potential adverse impact
372 on small, not-for-profit service providers.

373 (5) The department may issue probationary, regular, and
374 interim licenses. After adopting the rule governing the
375 licensure process and fees, the department shall issue one
376 license for each service component that is operated by a service
377 provider and defined in rule pursuant to s. 397.311(22) ~~s.~~

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378 ~~397.311(18)~~. The license is valid only for the specific service
379 components listed for each specific location identified on the
380 license. The licensed service provider shall apply for a new
381 license at least 60 days before the addition of any service
382 components or 30 days before the relocation of any of its
383 service sites. Provision of service components or delivery of
384 services at a location not identified on the license may be
385 considered an unlicensed operation that authorizes the
386 department to seek an injunction against operation as provided
387 in s. 397.401, in addition to other sanctions authorized by s.
388 397.415. Probationary and regular licenses may be issued only
389 after all required information has been submitted. A license may
390 not be transferred. As used in this subsection, the term
391 "transfer" includes, but is not limited to, the transfer of a
392 majority of the ownership interest in the licensed entity or
393 transfer of responsibilities under the license to another entity
394 by contractual arrangement.

395 (11) Effective July 1, 2016, a service provider licensed
396 under this part may not refer a current or discharged patient to
397 a recovery residence unless the recovery residence holds a valid
398 certificate of compliance as provided in s. 397.487 and is
399 actively managed by a certified recovery residence administrator
400 as provided in s. 397.4871 or the recovery residence is owned
401 and operated by a licensed service provider or a licensed
402 service provider's wholly owned subsidiary. For purposes of this
403 subsection, the term "refer" means to inform a patient by any
404 means about the name, address, or other details of the recovery
405 residence. However, this subsection does not require a licensed
406 service provider to refer any patient to a recovery residence.

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407 Section 6. Paragraph (e) of subsection (5) of section
408 212.055, Florida Statutes, is amended to read:

409 212.055 Discretionary sales surtaxes; legislative intent;
410 authorization and use of proceeds.—It is the legislative intent
411 that any authorization for imposition of a discretionary sales
412 surtax shall be published in the Florida Statutes as a
413 subsection of this section, irrespective of the duration of the
414 levy. Each enactment shall specify the types of counties
415 authorized to levy; the rate or rates which may be imposed; the
416 maximum length of time the surtax may be imposed, if any; the
417 procedure which must be followed to secure voter approval, if
418 required; the purpose for which the proceeds may be expended;
419 and such other requirements as the Legislature may provide.
420 Taxable transactions and administrative procedures shall be as
421 provided in s. 212.054.

422 (5) COUNTY PUBLIC HOSPITAL SURTAX.—Any county as defined in
423 s. 125.011(1) may levy the surtax authorized in this subsection
424 pursuant to an ordinance either approved by extraordinary vote
425 of the county commission or conditioned to take effect only upon
426 approval by a majority vote of the electors of the county voting
427 in a referendum. In a county as defined in s. 125.011(1), for
428 the purposes of this subsection, "county public general
429 hospital" means a general hospital as defined in s. 395.002
430 which is owned, operated, maintained, or governed by the county
431 or its agency, authority, or public health trust.

432 (e) A governing board, agency, or authority shall be
433 chartered by the county commission upon this act becoming law.
434 The governing board, agency, or authority shall adopt and
435 implement a health care plan for indigent health care services.

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436 The governing board, agency, or authority shall consist of no
437 more than seven and no fewer than five members appointed by the
438 county commission. The members of the governing board, agency,
439 or authority shall be at least 18 years of age and residents of
440 the county. No member may be employed by or affiliated with a
441 health care provider or the public health trust, agency, or
442 authority responsible for the county public general hospital.
443 The following community organizations shall each appoint a
444 representative to a nominating committee: the South Florida
445 Hospital and Healthcare Association, the Miami-Dade County
446 Public Health Trust, the Dade County Medical Association, the
447 Miami-Dade County Homeless Trust, and the Mayor of Miami-Dade
448 County. This committee shall nominate between 10 and 14 county
449 citizens for the governing board, agency, or authority. The
450 slate shall be presented to the county commission and the county
451 commission shall confirm the top five to seven nominees,
452 depending on the size of the governing board. Until such time as
453 the governing board, agency, or authority is created, the funds
454 provided for in subparagraph (d)2. shall be placed in a
455 restricted account set aside from other county funds and not
456 disbursed by the county for any other purpose.

457 1. The plan shall divide the county into a minimum of four
458 and maximum of six service areas, with no more than one
459 participant hospital per service area. The county public general
460 hospital shall be designated as the provider for one of the
461 service areas. Services shall be provided through participants'
462 primary acute care facilities.

463 2. The plan and subsequent amendments to it shall fund a
464 defined range of health care services for both indigent persons

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465 and the medically poor, including primary care, preventive care,
466 hospital emergency room care, and hospital care necessary to
467 stabilize the patient. For the purposes of this section,
468 "stabilization" means stabilization as defined in s. 397.311(41)
469 ~~397.311(35)~~. Where consistent with these objectives, the plan
470 may include services rendered by physicians, clinics, community
471 hospitals, and alternative delivery sites, as well as at least
472 one regional referral hospital per service area. The plan shall
473 provide that agreements negotiated between the governing board,
474 agency, or authority and providers shall recognize hospitals
475 that render a disproportionate share of indigent care, provide
476 other incentives to promote the delivery of charity care to draw
477 down federal funds where appropriate, and require cost
478 containment, including, but not limited to, case management.
479 From the funds specified in subparagraphs (d)1. and 2. for
480 indigent health care services, service providers shall receive
481 reimbursement at a Medicaid rate to be determined by the
482 governing board, agency, or authority created pursuant to this
483 paragraph for the initial emergency room visit, and a per-member
484 per-month fee or capitation for those members enrolled in their
485 service area, as compensation for the services rendered
486 following the initial emergency visit. Except for provisions of
487 emergency services, upon determination of eligibility,
488 enrollment shall be deemed to have occurred at the time services
489 were rendered. The provisions for specific reimbursement of
490 emergency services shall be repealed on July 1, 2001, unless
491 otherwise reenacted by the Legislature. The capitation amount or
492 rate shall be determined prior to program implementation by an
493 independent actuarial consultant. In no event shall such

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494 reimbursement rates exceed the Medicaid rate. The plan must also
495 provide that any hospitals owned and operated by government
496 entities on or after the effective date of this act must, as a
497 condition of receiving funds under this subsection, afford
498 public access equal to that provided under s. 286.011 as to any
499 meeting of the governing board, agency, or authority the subject
500 of which is budgeting resources for the retention of charity
501 care, as that term is defined in the rules of the Agency for
502 Health Care Administration. The plan shall also include
503 innovative health care programs that provide cost-effective
504 alternatives to traditional methods of service and delivery
505 funding.

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

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

514 5. At the end of each fiscal year, the governing board,
515 agency, or authority shall prepare an audit that reviews the
516 budget of the plan, delivery of services, and quality of
517 services, and makes recommendations to increase the plan's
518 efficiency. The audit shall take into account participant
519 hospital satisfaction with the plan and assess the amount of
520 poststabilization patient transfers requested, and accepted or
521 denied, by the county public general hospital.

522 Section 7. Subsection (6) of section 394.9085, Florida

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523 Statutes, is amended to read:

524 394.9085 Behavioral provider liability.—

525 (6) For purposes of this section, the terms "detoxification
526 services," "addictions receiving facility," and "receiving
527 facility" have the same meanings as those provided in ss.
528 397.311(22)(a)4. ~~397.311(18)(a)4.~~, 397.311(22)(a)1.
529 ~~397.311(18)(a)1.~~, and 394.455(26), respectively.

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

532 397.405 Exemptions from licensure.—The following are exempt
533 from the licensing provisions of this chapter:

534 (8) A legally cognizable church or nonprofit religious
535 organization or denomination providing substance abuse services,
536 including prevention services, which are solely religious,
537 spiritual, or ecclesiastical in nature. A church or nonprofit
538 religious organization or denomination providing any of the
539 licensed service components itemized under s. 397.311(22) ~~s.~~
540 ~~397.311(18)~~ is not exempt from substance abuse licensure but
541 retains its exemption with respect to all services which are
542 solely religious, spiritual, or ecclesiastical in nature.

543
544 The exemptions from licensure in this section do not apply to
545 any service provider that receives an appropriation, grant, or
546 contract from the state to operate as a service provider as
547 defined in this chapter or to any substance abuse program
548 regulated pursuant to s. 397.406. Furthermore, this chapter may
549 not be construed to limit the practice of a physician or
550 physician assistant licensed under chapter 458 or chapter 459, a
551 psychologist licensed under chapter 490, a psychotherapist

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552 licensed under chapter 491, or an advanced registered nurse
553 practitioner licensed under part I of chapter 464, who provides
554 substance abuse treatment, so long as the physician, physician
555 assistant, psychologist, psychotherapist, or advanced registered
556 nurse practitioner does not represent to the public that he or
557 she is a licensed service provider and does not provide services
558 to individuals pursuant to part V of this chapter. Failure to
559 comply with any requirement necessary to maintain an exempt
560 status under this section is a misdemeanor of the first degree,
561 punishable as provided in s. 775.082 or s. 775.083.

562 Section 9. Section 397.416, Florida Statutes, is amended to
563 read:

564 397.416 Substance abuse treatment services; qualified
565 professional.—Notwithstanding any other provision of law, a
566 person who was certified through a certification process
567 recognized by the former Department of Health and Rehabilitative
568 Services before January 1, 1995, may perform the duties of a
569 qualified professional with respect to substance abuse treatment
570 services as defined in this chapter, and need not meet the
571 certification requirements contained in s. 397.311(30) ~~s.~~
572 ~~397.311(26)~~.

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

575 440.102 Drug-free workplace program requirements.—The
576 following provisions apply to a drug-free workplace program
577 implemented pursuant to law or to rules adopted by the Agency
578 for Health Care Administration:

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

576-03801-15

2015326c2

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

585 (g) "Employee assistance program" means an established
586 program capable of providing expert assessment of employee
587 personal concerns; confidential and timely identification
588 services with regard to employee drug abuse; referrals of
589 employees for appropriate diagnosis, treatment, and assistance;
590 and followup services for employees who participate in the
591 program or require monitoring after returning to work. If, in
592 addition to the above activities, an employee assistance program
593 provides diagnostic and treatment services, these services shall
594 in all cases be provided by service providers pursuant to s.
595 397.311(39) ~~s. 397.311(33)~~.

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