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LEGISLATIVE ACTION

Senate

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House

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Floor: 1/AE/2R

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03/08/2018 05:09 PM

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Senator Rouson moved the following:

**Senate Amendment (with title amendment)**

Delete lines 116 - 238

and insert:

mental health or substance use disorders or co-occurring disorders under the supervision of persons who meet all personnel requirements of this chapter for up to 90 days after being notified of the disqualification or until the department a  
~~qualified professional licensed under chapter 490 or chapter 491~~  
~~or a master's-level-certified addictions professional until the~~  
agency makes a final determination regarding the request for an



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12 exemption from disqualification, whichever is earlier.

13 (h) ~~(g)~~ The department may not issue a regular license to  
14 any service provider that fails to provide proof that background  
15 screening information has been submitted in accordance with  
16 chapter 435.

17 (4) EXEMPTIONS FROM DISQUALIFICATION.—

18 (a) The department may grant to any service provider  
19 personnel an exemption from disqualification as provided in s.  
20 435.07.

21 (b) Since rehabilitated substance abuse impaired persons  
22 are effective in the successful treatment and rehabilitation of  
23 individuals with substance use disorders, for service providers  
24 which treat adolescents 13 years of age and older, service  
25 provider personnel whose background checks indicate crimes under  
26 s. 796.07(2)(e), s. 810.02(4), s. 812.014(2)(c), s. 817.563, s.  
27 831.01, s. 831.02, s. 893.13, or s. 893.147, and any related  
28 criminal attempt, solicitation, or conspiracy under s. 777.04,  
29 may be exempted from disqualification from employment pursuant  
30 to this paragraph.

31 (c) The department may grant exemptions from  
32 disqualification for service provider personnel to work solely  
33 in substance abuse treatment programs or facilities or in  
34 programs or facilities that treat co-occurring substance use and  
35 mental health disorders. The department may further limit such  
36 ~~grant exemptions from disqualification which would limit service~~  
37 ~~provider personnel~~ to working with adults in substance abuse  
38 treatment facilities.

39 (d) When evaluating a peer specialist's application for  
40 exemption from disqualification, the department shall consider:



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41 1. The need for peer specialists to provide support  
42 services and the shortage of professionals and paraprofessionals  
43 to provide behavioral health services.

44 2. That peer specialists may have criminal histories  
45 resulting from substance use disorders or mental illnesses that  
46 prevent them from meeting background screening requirements.

47 3. That peer specialists provide effective mental health  
48 and substance abuse treatment support services because they  
49 share common life experiences with the persons they assist and  
50 promote a sense of community among those in recovery.

51 4. That research has shown that peer support facilitates  
52 recovery and reduces health care costs.

53 Section 4. Section 397.417, Florida Statutes, is created to  
54 read:

55 397.417 Behavioral health peer specialists.—

56 (1) An individual is eligible for certification as a peer  
57 specialist if he or she has been in recovery from a substance  
58 use disorder or mental illness for at least 2 years or if he or  
59 she has experience as a family member or caregiver of a person  
60 with a substance use disorder or mental illness.

61 (2) The department shall develop and implement a training  
62 program for individuals seeking certification as peer  
63 specialists. The department may designate one or more  
64 credentialing entities that have met nationally recognized  
65 standards for developing and administering professional  
66 certification programs to certify peer specialists.

67 (3) An individual providing department-funded recovery  
68 support services as a peer specialist shall be certified  
69 pursuant to subsection (2). However, an individual who is not



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70 certified may provide recovery support services as a peer  
71 specialist for up to 1 year if he or she is working toward  
72 certification and is supervised by a qualified professional or  
73 by a certified peer specialist with supervisory training who has  
74 at least 3 years of full-time experience as a peer specialist at  
75 a licensed behavioral health organization.

76 Section 5. Subsection (1) and subsection (6) of section  
77 397.487, Florida Statutes, are amended to read:

78 397.487 Voluntary certification of recovery residences.—

79 (1) The Legislature finds that a person suffering from  
80 addiction has a higher success rate of achieving long-lasting  
81 sobriety when given the opportunity to build a stronger  
82 foundation by living in a recovery residence while receiving  
83 treatment or after completing treatment. The Legislature further  
84 finds that this state and its subdivisions have a legitimate  
85 state interest in protecting these persons, who represent a  
86 vulnerable consumer population in need of adequate housing. It  
87 is the intent of the Legislature to protect persons who reside  
88 in a recovery residence.

89 (6) All owners, directors, and chief financial officers of  
90 an applicant recovery residence are subject to level 2  
91 background screening as provided under chapter 435 and s.  
92 408.809. A recovery residence is ineligible for certification,  
93 and a credentialing entity shall deny a recovery residence's  
94 application, if any owner, director, or chief financial officer  
95 has been found guilty of, or has entered a plea of guilty or  
96 nolo contendere to, regardless of adjudication, any offense  
97 listed in s. 408.809(4) or s. 435.04(2) unless the department  
98 has issued an exemption under s. 397.4073 or s. 397.4872. In



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99 accordance with s. 435.04, the department shall notify the  
100 credentialing agency of an owner's, director's, or chief  
101 financial officer's eligibility based on the results of his or  
102 her background screening.

103 Section 6. Section 397.4873, Florida Statutes, is amended  
104 to read:

105 397.4873 Referrals to or from recovery residences;  
106 prohibitions; penalties.—

107 (1) A service provider licensed under this part may not  
108 make a referral of a prospective, current, or discharged patient  
109 to, or accept a referral of such a patient from, a recovery  
110 residence unless the recovery residence holds a valid  
111 certificate of compliance as provided in s. 397.487 and is  
112 actively managed by a certified recovery residence administrator  
113 as provided in s. 397.4871.

114 (2) Subsection (1) does not apply to:

115 (a) A licensed service provider under contract with a  
116 managing entity as defined in s. 394.9082.

117 (b) Referrals by a recovery residence to a licensed service  
118 provider when a resident has experienced a recurrence of  
119 substance use and, in the best judgment of the recovery  
120 residence administrator, it appears that the resident may  
121 benefit from clinical treatment services ~~the recovery residence~~  
122 ~~or its owners, directors, operators, or employees do not~~  
123 ~~benefit, directly or indirectly, from the referral.~~

124 (c) Referrals made before January 1, 2019 ~~July 1, 2018~~, by  
125 a licensed service provider to that licensed service provider's  
126 wholly owned subsidiary, provided that applications and  
127 associated fees are submitted by July 1, 2018.



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128       (3) A recovery residence or its owners, directors,  
129 operators, employees, or volunteers may not receive a pecuniary  
130 benefit, directly or indirectly, from a licensed service  
131 provider in exchange for a referral made pursuant to subsection  
132 (1) or

134 ===== T I T L E   A M E N D M E N T =====

135 And the title is amended as follows:

136       Delete lines 21 - 34

137 and insert:

138       certain treatment programs and facilities; requiring  
139       the department to consider certain factors when  
140       evaluating an application for an exemption; creating  
141       s. 397.417, F.S.; providing qualifications for  
142       certification as a peer specialist; requiring the  
143       department to develop and implement a training program  
144       for individuals seeking certification as peer  
145       specialists; authorizing the department to designate  
146       certain credentialing entities to certify peer  
147       specialists; providing requirements for individuals  
148       providing certain recovery support services as peer  
149       specialists; amending s. 397.487, F.S.; revising  
150       legislative findings relating to voluntary  
151       certification of recovery residences; revising  
152       background