

1 A bill to be entitled

2 An act relating to mental health and substance use
3 disorders; amending s. 394.455, F.S.; defining the
4 term "peer specialist"; amending s. 394.4572, F.S.;
5 requiring a specific level of screening for peer
6 specialists working in mental health programs and
7 facilities; amending s. 394.4573, F.S.; specifying
8 that the use of peer specialists for recovery support
9 is an essential element of a coordinated system of
10 behavioral health care; amending s. 397.311, F.S.;
11 defining the terms "peer specialist" and "third-party
12 credentialing entity"; amending s. 397.4073, F.S.;
13 conforming provisions to changes made by the act;
14 creating s. 397.417, F.S.; providing legislative
15 findings and intent; providing qualifications to
16 receive department approval as a peer specialist;
17 requiring peer specialists to meet background
18 screening requirements; requiring the Department of
19 Children and Families to develop and implement a
20 training program for peer specialists and give
21 preference to trainers who are certified peer
22 specialists; requiring the department to certify peer
23 specialists directly or by designating a third-party
24 credentialing entity; providing requirements for
25 department approval of a person providing peer

26 | specialist services; authorizing the department, a
27 | behavioral health managing entity, or the Medicaid
28 | program to reimburse a peer specialist service as a
29 | recovery service; directing the Agency for Health Care
30 | Administration to amend the state Medicaid plan to
31 | include certain data; encouraging Medicaid managed
32 | care plans to use peer specialists in providing
33 | recovery services; requiring peer specialists to meet
34 | the requirements of a background screening as a
35 | condition of employment and continued employment;
36 | authorizing the department or the Agency for Health
37 | Care Administration to require by rule that
38 | fingerprints be submitted electronically to the
39 | Department of Law Enforcement; authorizing the
40 | department or the agency to contract with certain
41 | vendors for fingerprinting; specifying requirements
42 | for vendors; specifying offenses to be considered in
43 | the background screening of a peer specialist;
44 | authorizing a person who does not meet background
45 | screening requirements to request an exemption from
46 | disqualification from the department or the agency;
47 | providing that all peer specialists holding certain
48 | credentials by a specified date are recognized as
49 | having met the requirements of this act; amending ss.
50 | 212.055, 394.495, 394.496, 394.9085, 397.416, 409.972,

51 440.102, and 744.2007, F.S.; conforming cross-
52 references; making technical changes; providing an
53 effective date.

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

56
57 Section 1. Subsections (32) through (48) of section
58 394.455, Florida Statutes, are renumbered as subsections (33)
59 through (49), respectively, and a new subsection (32) is added
60 to that section, to read:

61 394.455 Definitions.—As used in this part, the term:

62 (32) "Peer specialist" means a person who uses his or her
63 lived experience of recovery from a substance use disorder or
64 mental illness, including skills learned in training to deliver
65 services in behavioral health settings to promote mind-body
66 recovery and resiliency, and is certified under s. 397.417, or a
67 family member or caregiver of a person with a substance use
68 disorder or mental illness.

69 Section 2. Paragraph (a) of subsection (1) of section
70 394.4572, Florida Statutes, is amended to read:

71 394.4572 Screening of mental health personnel.—

72 (1)(a) The department and the Agency for Health Care
73 Administration shall require level 2 background screening
74 pursuant to chapter 435 for mental health personnel. "Mental
75 health personnel" includes all program directors, professional

76 | clinicians, staff members, and volunteers working in public or
77 | private mental health programs and facilities who have direct
78 | contact with individuals held for examination or admitted for
79 | mental health treatment. For purposes of this chapter,
80 | employment screening of mental health personnel also includes,
81 | but is not limited to, employment screening as provided under
82 | chapter 435 and s. 408.809. The department and the Agency for
83 | Health Care Administration shall require a level 2 background
84 | screening pursuant to s. 397.417(5) for persons working as peer
85 | specialists in public or private mental health programs or
86 | facilities who have direct contact with individuals held for
87 | involuntary examination or admitted for mental health treatment.

88 | Section 3. Paragraph (1) of subsection (2) of section
89 | 394.4573, Florida Statutes, is amended to read:

90 | 394.4573 Coordinated system of care; annual assessment;
91 | essential elements; measures of performance; system improvement
92 | grants; reports.—On or before December 1 of each year, the
93 | department shall submit to the Governor, the President of the
94 | Senate, and the Speaker of the House of Representatives an
95 | assessment of the behavioral health services in this state. The
96 | assessment shall consider, at a minimum, the extent to which
97 | designated receiving systems function as no-wrong-door models,
98 | the availability of treatment and recovery services that use
99 | recovery-oriented and peer-involved approaches, the availability
100 | of less-restrictive services, and the use of evidence-informed

101 practices. The department's assessment shall consider, at a
102 minimum, the needs assessments conducted by the managing
103 entities pursuant to s. 394.9082(5). Beginning in 2017, the
104 department shall compile and include in the report all plans
105 submitted by managing entities pursuant to s. 394.9082(8) and
106 the department's evaluation of each plan.

107 (2) The essential elements of a coordinated system of care
108 include:

109 (1) Recovery support, including, but not limited to, the
110 use of peer specialists as described in s. 397.417 to assist in
111 the individual's recovery from a substance use disorder or
112 mental illness, support for competitive employment, educational
113 attainment, independent living skills development, family
114 support and education, wellness management and self-care, and
115 assistance in obtaining housing that meets the individual's
116 needs. Such housing may include mental health residential
117 treatment facilities, limited mental health assisted living
118 facilities, adult family care homes, and supportive housing.
119 Housing provided using state funds must provide a safe and
120 decent environment free from abuse and neglect.

121 Section 4. Subsections (30) through (48) of section
122 397.311, Florida Statutes, are renumbered as subsections (31)
123 through (49), respectively, present subsection (49) is
124 renumbered as subsection (51), and new subsections (30) and (50)
125 are added to that section, to read:

126 397.311 Definitions.—As used in this chapter, except part
127 VIII, the term:

128 (30) "Peer specialist" means a person who uses his or her
129 lived experience of recovery from a substance use disorder or
130 mental illness, including skills learned in training to deliver
131 services in behavioral health settings to promote mind-body
132 recovery and resiliency, and is certified under s. 397.417, or a
133 family member or caregiver of a person with a substance use
134 disorder or mental illness.

135 (50) "Third-party credentialing entity" means a
136 department-approved nonprofit organization that has met
137 nationally recognized standards for developing and administering
138 professional certification programs.

139 Section 5. Paragraphs (b) and (c) of subsection (4) of
140 section 397.4073, Florida Statutes, are amended to read:

141 397.4073 Background checks of service provider personnel.—

142 (4) EXEMPTIONS FROM DISQUALIFICATION.—

143 ~~(b) Since rehabilitated substance abuse impaired persons~~
144 ~~are effective in the successful treatment and rehabilitation of~~
145 ~~individuals with substance use disorders, for service providers~~
146 ~~which treat adolescents 13 years of age and older, service~~
147 ~~provider personnel whose background checks indicate crimes under~~
148 ~~s. 817.563, s. 893.13, or s. 893.147 may be exempted from~~
149 ~~disqualification from employment pursuant to this paragraph.~~

150 ~~(c)~~ The department may grant exemptions from

151 disqualification which would limit service provider personnel to
152 working with adults in substance use disorder ~~abuse~~ treatment
153 facilities.

154 Section 6. Section 397.417, Florida Statutes, is created
155 to read:

156 397.417 Behavioral health peer specialists.—

157 (1) LEGISLATIVE FINDINGS AND INTENT.—

158 (a) The Legislature finds that:

159 1. The ability to provide adequate behavioral health
160 services is limited by a shortage of professionals and
161 paraprofessionals.

162 2. The state is experiencing an increase in opioid
163 addictions, which prove fatal to persons in many cases.

164 3. Peer specialists provide effective support services
165 because they share common life experiences with the persons they
166 assist.

167 4. Peer specialists promote a sense of community among
168 those in recovery.

169 5. Research has shown that peer support facilitates
170 recovery and reduces health care costs.

171 6. Peer specialists may have a criminal history that
172 prevents them from meeting background screening requirements.

173 (b) The Legislature intends to expand the use of peer
174 specialists as a cost-effective means of providing services by
175 ensuring that peer specialists meet specified qualifications,

176 meet modified background screening requirements, and are
177 adequately reimbursed for their services.

178 (2) QUALIFICATIONS.—

179 (a) A peer specialist must hold a valid peer specialist
180 credential issued by a third-party credentialing entity, as
181 defined in s. 397.311(50) and approved by the department
182 pursuant to s. 402.40, and meet all requirements of this
183 section.

184 (b) To obtain certification as a peer specialist, a person
185 must meet the background screening requirements of subsection
186 (5).

187 (3) DUTIES OF THE DEPARTMENT.—

188 (a) The department must develop and implement a training
189 program for persons seeking certification as peer specialists.
190 Training curricula must be based on core competencies to ensure
191 that each person delivering peer specialist services has the
192 knowledge, skills, and abilities necessary to carry out his or
193 her work responsibilities. The department may give preference to
194 trainers who are certified peer specialists.

195 (b) The department shall approve one or more third-party
196 credentialing entities to certify peer specialists.

197 (c) To be approved by the department, a person providing
198 peer specialist services must be certified as a peer specialist
199 and supervised by a qualified professional under this chapter or
200 must be a certified peer specialist with at least 3 years of

201 full-time experience and supervisory training who is working at
202 a licensed behavioral health organization.

203 (4) PAYMENT.—Peer specialist services may be reimbursed as
204 a behavioral health service through the department, a behavioral
205 health managing entity, or the Medicaid program. The Agency for
206 Health Care Administration is directed to amend the state
207 Medicaid plan to include billing codes specific to peer
208 specialist services. Medicaid managed care plans are encouraged
209 to use peer specialists in providing recovery services.

210 (5) BACKGROUND SCREENING.—

211 (a) A peer specialist must have completed or been lawfully
212 released from confinement, supervision, or any nonmonetary
213 condition imposed by the court for any felony and must undergo a
214 background screening as a condition of employment and continued
215 employment. The background screening must include fingerprinting
216 for statewide criminal history records checks through the
217 Department of Law Enforcement and national criminal history
218 records checks through the Federal Bureau of Investigation. The
219 background screening may include local criminal records checks
220 through local law enforcement agencies.

221 (b) The department or the Agency for Health Care
222 Administration, as applicable, may require by rule that
223 fingerprints submitted pursuant to this section be submitted
224 electronically to the Department of Law Enforcement.

225 (c) The department or the Agency for Health Care

226 Administration, as applicable, may contract with one or more
227 vendors to perform all or part of the electronic fingerprinting
228 pursuant to this section. Such contracts must ensure that the
229 owners and personnel of the vendor performing the electronic
230 fingerprinting are qualified and will ensure the integrity and
231 security of all personal identifying information.

232 (d) Vendors who submit fingerprints on behalf of employers
233 must:

- 234 1. Meet the requirements of s. 943.053; and
235 2. Have the ability to communicate electronically with the
236 department or the Agency for Health Care Administration, as
237 applicable, accept screening results from the Department of Law
238 Enforcement and provide the applicant's full first name, middle
239 initial, and last name; social security number or individual
240 taxpayer identification number; date of birth; mailing address;
241 sex; and race.

242 (e) The background screening under this section must
243 ensure that a peer specialist has not, during the previous 3
244 years, been arrested for and is awaiting final disposition of,
245 been found guilty of, regardless of adjudication, or entered a
246 plea of nolo contendere or guilty to, or been adjudicated
247 delinquent and the record has not been sealed or expunged for,
248 any felony.

249 (f) The background screening under this section must
250 ensure that a peer specialist has not been found guilty of,

251 regardless of adjudication, or entered a plea of nolo contendere
252 or guilty to, or been adjudicated delinquent and the record has
253 not been sealed or expunged for, any offense prohibited under
254 any of the following state laws or similar laws of another
255 jurisdiction:

256 1. Section 393.135, relating to sexual misconduct with
257 certain developmentally disabled clients and reporting of such
258 sexual misconduct.

259 2. Section 394.4593, relating to sexual misconduct with
260 certain mental health patients and reporting of such sexual
261 misconduct.

262 3. Section 409.9201, relating to Medicaid fraud.

263 4. Section 415.111, relating to adult abuse, neglect, or
264 exploitation of aged persons or disabled adults.

265 5. Section 741.28, relating to domestic violence.

266 6. Section 777.04, relating to attempts, solicitation, and
267 conspiracy to commit an offense listed in this section.

268 7. Section 782.04, relating to murder.

269 8. Section 782.07, relating to manslaughter, aggravated
270 manslaughter of an elderly person or disabled adult, aggravated
271 manslaughter of a child, or aggravated manslaughter of an
272 officer, a firefighter, an emergency medical technician, or a
273 paramedic.

274 9. Section 782.071, relating to vehicular homicide.

275 10. Section 782.09, relating to killing of an unborn child

- 276 | by injury to the mother.
- 277 | 11. Chapter 784, relating to assault, battery, and
- 278 | culpable negligence, if the offense was a felony.
- 279 | 12. Section 787.01, relating to kidnapping.
- 280 | 13. Section 787.02, relating to false imprisonment.
- 281 | 14. Section 787.025, relating to luring or enticing a
- 282 | child.
- 283 | 15. Section 787.04(2), relating to leading, taking,
- 284 | enticing, or removing a minor beyond the state limits, or
- 285 | concealing the location of a minor, with criminal intent pending
- 286 | custody proceedings.
- 287 | 16. Section 787.04(3), relating to leading, taking,
- 288 | enticing, or removing a minor beyond the state limits, or
- 289 | concealing the location of a minor, with criminal intent pending
- 290 | dependency proceedings or proceedings concerning alleged abuse
- 291 | or neglect of a minor.
- 292 | 17. Section 790.115(1), relating to exhibiting firearms or
- 293 | weapons within 1,000 feet of a school.
- 294 | 18. Section 790.115(2)(b), relating to possessing an
- 295 | electric weapon or device, destructive device, or other weapon
- 296 | on school property.
- 297 | 19. Section 794.011, relating to sexual battery.
- 298 | 20. Former s. 794.041, relating to prohibited acts of
- 299 | persons in familial or custodial authority.
- 300 | 21. Section 794.05, relating to unlawful sexual activity

- 301 with certain minors.
- 302 22. Section 794.08, relating to female genital mutilation.
- 303 23. Section 798.02, relating to lewd and lascivious
304 behavior.
- 305 24. Chapter 800, relating to lewdness and indecent
306 exposure.
- 307 25. Section 806.01, relating to arson.
- 308 26. Section 810.02, relating to burglary, if the offense
309 was a felony of the first degree.
- 310 27. Section 810.14, relating to voyeurism, if the offense
311 was a felony.
- 312 28. Section 810.145, relating to video voyeurism, if the
313 offense was a felony.
- 314 29. Section 812.13, relating to robbery.
- 315 30. Section 812.131, relating to robbery by sudden
316 snatching.
- 317 31. Section 812.133, relating to carjacking.
- 318 32. Section 812.135, relating to home-invasion robbery.
- 319 33. Section 817.50, relating to fraudulently obtaining
320 goods or services from a health care provider and false reports
321 of a communicable disease.
- 322 34. Section 817.505, relating to patient brokering.
- 323 35. Section 825.102, relating to abuse, aggravated abuse,
324 or neglect of an elderly person or disabled adult.
- 325 36. Section 825.1025, relating to lewd or lascivious

326 offenses committed upon or in the presence of an elderly person
 327 or disabled person.

328 37. Section 825.103, relating to exploitation of an
 329 elderly person or disabled adult, if the offense was a felony.

330 38. Section 826.04, relating to incest.

331 39. Section 827.03, relating to child abuse, aggravated
 332 child abuse, or neglect of a child.

333 40. Section 827.04, relating to contributing to the
 334 delinquency or dependency of a child.

335 41. Former s. 827.05, relating to negligent treatment of
 336 children.

337 42. Section 827.071, relating to sexual performance by a
 338 child.

339 43. Section 831.30, relating to fraud in obtaining
 340 medicinal drugs.

341 44. Section 831.31, relating to sale, manufacture,
 342 delivery, possession with intent to sell, manufacture, or
 343 deliver any counterfeit controlled substance if the offense was
 344 a felony.

345 45. Section 843.01, relating to resisting arrest with
 346 violence.

347 46. Section 843.025, relating to depriving a law
 348 enforcement, correctional, or correctional probation officer
 349 means of protection or communication.

350 47. Section 843.12, relating to aiding in an escape.

- 351 48. Section 843.13, relating to aiding in the escape of
352 juvenile inmates of correctional institutions.
- 353 49. Chapter 847, relating to obscene literature.
- 354 50. Section 874.05, relating to encouraging or recruiting
355 another to join a criminal gang.
- 356 51. Chapter 893, relating to drug abuse prevention and
357 control, if the offense was a felony of the second degree or
358 greater severity.
- 359 52. Section 895.03, relating to racketeering and
360 collection of unlawful debts.
- 361 53. Section 896.101, relating to the Florida Money
362 Laundering Act.
- 363 54. Section 916.1075, relating to sexual misconduct with
364 certain forensic clients and reporting of such sexual
365 misconduct.
- 366 55. Section 944.35(3), relating to inflicting cruel or
367 inhuman treatment on an inmate resulting in great bodily harm.
- 368 56. Section 944.40, relating to escape.
- 369 57. Section 944.46, relating to harboring, concealing, or
370 aiding an escaped prisoner.
- 371 58. Section 944.47, relating to introduction of contraband
372 into a correctional facility.
- 373 59. Section 985.701, relating to sexual misconduct in
374 juvenile justice programs.
- 375 60. Section 985.711, relating to contraband introduced

376 | into detention facilities.

377 | (6) EXEMPTION REQUESTS.—A person who wishes to become a
 378 | peer specialist and is disqualified under subsection (5) may
 379 | request an exemption from disqualification pursuant to s. 435.07
 380 | from the department or the Agency for Health Care
 381 | Administration, as applicable.

382 | (7) GRANDFATHER CLAUSE.—All peer specialists holding a
 383 | valid peer specialist credential issued by a department-approved
 384 | third-party credentialing entity as of July 1, 2018, are
 385 | recognized as having met the requirements of this act.

386 | Section 7. Paragraph (e) of subsection (5) of section
 387 | 212.055, Florida Statutes, is amended to read:

388 | 212.055 Discretionary sales surtaxes; legislative intent;
 389 | authorization and use of proceeds.—It is the legislative intent
 390 | that any authorization for imposition of a discretionary sales
 391 | surtax shall be published in the Florida Statutes as a
 392 | subsection of this section, irrespective of the duration of the
 393 | levy. Each enactment shall specify the types of counties
 394 | authorized to levy; the rate or rates which may be imposed; the
 395 | maximum length of time the surtax may be imposed, if any; the
 396 | procedure which must be followed to secure voter approval, if
 397 | required; the purpose for which the proceeds may be expended;
 398 | and such other requirements as the Legislature may provide.
 399 | Taxable transactions and administrative procedures shall be as
 400 | provided in s. 212.054.

401 (5) COUNTY PUBLIC HOSPITAL SURTAX.—Any county as defined
402 in s. 125.011(1) may levy the surtax authorized in this
403 subsection pursuant to an ordinance either approved by
404 extraordinary vote of the county commission or conditioned to
405 take effect only upon approval by a majority vote of the
406 electors of the county voting in a referendum. In a county as
407 defined in s. 125.011(1), for the purposes of this subsection,
408 "county public general hospital" means a general hospital as
409 defined in s. 395.002 which is owned, operated, maintained, or
410 governed by the county or its agency, authority, or public
411 health trust.

412 (e) A governing board, agency, or authority shall be
413 chartered by the county commission upon this act becoming law.
414 The governing board, agency, or authority shall adopt and
415 implement a health care plan for indigent health care services.
416 The governing board, agency, or authority shall consist of no
417 more than seven and no fewer than five members appointed by the
418 county commission. The members of the governing board, agency,
419 or authority shall be at least 18 years of age and residents of
420 the county. A ~~No~~ member may not be employed by or affiliated
421 with a health care provider or the public health trust, agency,
422 or authority responsible for the county public general hospital.
423 The following community organizations shall each appoint a
424 representative to a nominating committee: the South Florida
425 Hospital and Healthcare Association, the Miami-Dade County

426 Public Health Trust, the Dade County Medical Association, the
427 Miami-Dade County Homeless Trust, and the Mayor of Miami-Dade
428 County. This committee shall nominate between 10 and 14 county
429 citizens for the governing board, agency, or authority. The
430 slate shall be presented to the county commission and the county
431 commission shall confirm the top five to seven nominees,
432 depending on the size of the governing board. Until such time as
433 the governing board, agency, or authority is created, the funds
434 provided for in subparagraph (d)2. shall be placed in a
435 restricted account set aside from other county funds and not
436 disbursed by the county for any other purpose.

437 1. The plan shall divide the county into a minimum of four
438 and maximum of six service areas, with no more than one
439 participant hospital per service area. The county public general
440 hospital shall be designated as the provider for one of the
441 service areas. Services shall be provided through participants'
442 primary acute care facilities.

443 2. The plan and subsequent amendments to it shall fund a
444 defined range of health care services for both indigent persons
445 and the medically poor, including primary care, preventive care,
446 hospital emergency room care, and hospital care necessary to
447 stabilize the patient. For the purposes of this section,
448 "stabilization" means stabilization as defined in s. 397.311 ~~s.~~
449 ~~397.311(45)~~. Where consistent with these objectives, the plan
450 may include services rendered by physicians, clinics, community

451 hospitals, and alternative delivery sites, as well as at least
452 one regional referral hospital per service area. The plan shall
453 provide that agreements negotiated between the governing board,
454 agency, or authority and providers shall recognize hospitals
455 that render a disproportionate share of indigent care, provide
456 other incentives to promote the delivery of charity care to draw
457 down federal funds where appropriate, and require cost
458 containment, including, but not limited to, case management.
459 From the funds specified in subparagraphs (d)1. and 2. for
460 indigent health care services, service providers shall receive
461 reimbursement at a Medicaid rate to be determined by the
462 governing board, agency, or authority created pursuant to this
463 paragraph for the initial emergency room visit, and a per-member
464 per-month fee or capitation for those members enrolled in their
465 service area, as compensation for the services rendered
466 following the initial emergency visit. Except for provisions of
467 emergency services, upon determination of eligibility,
468 enrollment shall be deemed to have occurred at the time services
469 were rendered. The provisions for specific reimbursement of
470 emergency services shall be repealed on July 1, 2001, unless
471 otherwise reenacted by the Legislature. The capitation amount or
472 rate shall be determined before program implementation by an
473 independent actuarial consultant. In no event shall such
474 reimbursement rates exceed the Medicaid rate. The plan must also
475 provide that any hospitals owned and operated by government

476 entities on or after the effective date of this act must, as a
477 condition of receiving funds under this subsection, afford
478 public access equal to that provided under s. 286.011 as to any
479 meeting of the governing board, agency, or authority the subject
480 of which is budgeting resources for the retention of charity
481 care, as that term is defined in the rules of the Agency for
482 Health Care Administration. The plan shall also include
483 innovative health care programs that provide cost-effective
484 alternatives to traditional methods of service and delivery
485 funding.

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

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

494 5. At the end of each fiscal year, the governing board,
495 agency, or authority shall prepare an audit that reviews the
496 budget of the plan, delivery of services, and quality of
497 services, and makes recommendations to increase the plan's
498 efficiency. The audit shall take into account participant
499 hospital satisfaction with the plan and assess the amount of
500 poststabilization patient transfers requested, and accepted or

501 denied, by the county public general hospital.

502 Section 8. Subsection (3) of section 394.495, Florida
503 Statutes, is amended to read:

504 394.495 Child and adolescent mental health system of care;
505 programs and services.—

506 (3) Assessments must be performed by:

507 (a) A professional as defined in s. 394.455(5), (7), (33)
508 ~~(32)~~, (36) ~~(35)~~, or (37) ~~(36)~~;

509 (b) A professional licensed under chapter 491; or

510 (c) A person who is under the direct supervision of a
511 qualified professional as defined in s. 394.455(5), (7), (33)
512 ~~(32)~~, (36) ~~(35)~~, or (37) ~~(36)~~ or a professional licensed under
513 chapter 491.

514 Section 9. Subsection (5) of section 394.496, Florida
515 Statutes, is amended to read:

516 394.496 Service planning.—

517 (5) A professional as defined in s. 394.455(5), (7), (33)
518 ~~(32)~~, (36) ~~(35)~~, or (37) ~~(36)~~ or a professional licensed under
519 chapter 491 must be included among those persons developing the
520 services plan.

521 Section 10. Subsection (6) of section 394.9085, Florida
522 Statutes, is amended to read:

523 394.9085 Behavioral provider liability.—

524 (6) For purposes of this section, the term ~~terms~~
525 "detoxification services," has the same meaning as

526 detoxification in s. 397.311(26) (a), "addictions receiving
 527 facility," has the same meaning as provided in s.
 528 397.311(26) (a), and "receiving facility" has have the same
 529 meaning meanings as those provided in s. 394.455 ss.
 530 397.311(26) (a) 4., 397.311(26) (a)1., and 394.455(39),
 531 respectively.

532 Section 11. Section 397.416, Florida Statutes, is amended
 533 to read:

534 397.416 Substance use disorder ~~abuse~~ treatment services;
 535 qualified professional.—Notwithstanding any other provision of
 536 law, a person who was certified through a certification process
 537 recognized by the former Department of Health and Rehabilitative
 538 Services before January 1, 1995, may perform the duties of a
 539 qualified professional with respect to substance use ~~abuse~~
 540 treatment services as defined in this chapter, and need not meet
 541 the certification requirements contained in s. 397.311(35) ~~s.~~
 542 ~~397.311(34)~~.

543 Section 12. Paragraph (b) of subsection (1) of section
 544 409.972, Florida Statutes, is amended to read:

545 409.972 Mandatory and voluntary enrollment.—

546 (1) The following Medicaid-eligible persons are exempt
 547 from mandatory managed care enrollment required by s. 409.965,
 548 and may voluntarily choose to participate in the managed medical
 549 assistance program:

550 (b) Medicaid recipients residing in residential commitment

551 facilities operated through the Department of Juvenile Justice
 552 or in a treatment facility as defined in s. 394.455 ~~s.~~
 553 ~~394.455(47)~~.

554 Section 13. Paragraphs (d) and (g) of subsection (1) of
 555 section 440.102, Florida Statutes, are amended to read:

556 440.102 Drug-free workplace program requirements.—The
 557 following provisions apply to a drug-free workplace program
 558 implemented pursuant to law or to rules adopted by the Agency
 559 for Health Care Administration:

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

562 (d) "Drug rehabilitation program" means a service provider
 563 as defined in s. 397.311 which, ~~established pursuant to s.~~
 564 ~~397.311(43),~~ that provides confidential, timely, and expert
 565 identification, assessment, and resolution of employee drug
 566 abuse.

567 (g) "Employee assistance program" means an established
 568 program capable of providing expert assessment of employee
 569 personal concerns; confidential and timely identification
 570 services with regard to employee drug abuse; referrals of
 571 employees for appropriate diagnosis, treatment, and assistance;
 572 and followup services for employees who participate in the
 573 program or require monitoring after returning to work. If, in
 574 addition to the above activities, an employee assistance program
 575 provides diagnostic and treatment services, these services shall

576 | in all cases be provided by service providers as defined in s.
577 | 397.311 ~~pursuant to s. 397.311(43)~~.

578 | Section 14. Subsection (7) of section 744.2007, Florida
579 | Statutes, is amended to read:

580 | 744.2007 Powers and duties.—

581 | (7) A public guardian may not commit a ward to a treatment
582 | facility, as defined in s. 394.455 ~~s. 394.455(47)~~, without an
583 | involuntary placement proceeding as provided by law.

584 | Section 15. This act shall take effect July 1, 2018.