The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Criminal Justice

BILL:	CS/SB 1418
INTRODUCER:	Children, Families, and Elder Affairs Committee and Senator Rouson
SUBJECT:	Substance Abuse Services
DATE:	February 5, 2018 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Delia	Hendon	CF	**Fav/CS**
2.	Erickson	Jones	CJ	**Pre-meeting**
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1418 modifies requirements for licensed substance abuse service providers offering treatment to individuals living in recovery residences (also known as "sober homes"), which are alcohol and drug-free living environments where individuals with substance use disorder reside while they receive treatment services on an outpatient basis. The bill allows these providers to accept referrals from noncertified recovery residences when it appears that the resident may benefit from such services. It also requires certified recovery residences to comply with relevant provisions of the Florida Fire Prevention Code.

The bill addresses individuals who have been disqualified for employment with substance abuse service providers following a failed background screening, adds offenses for which individuals may seek an exemption from such disqualification, and authorizes an agency secretary to grant such exemption to include individuals applying for work providing mental health and substance abuse treatment. The bill requires the Department of Children and Families (DCF) to render a decision on an application for exemption within 60 days of receiving the application, and allows an individual to work for up to 90 days while DCF evaluates the application (under certain conditions). It also modifies background screening requirements for owners, directors, chief financial officers, and clinical supervisors, and for service provider personnel and some volunteers, who have direct contact with individuals receiving treatment.

The bill will likely have an indeterminate fiscal impact on the state. The bill is effective July 1, 2018.

II. Present Situation:

Substance Abuse

"Substance abuse refers to the harmful or hazardous use of psychoactive substances, including alcohol and illicit drugs."[1] Substance use disorder occurs when the chronic use of alcohol or drugs "causes significant impairment, such as health problems, disability, and failure to meet major responsibilities at work, school, or home."[2] Repeated drug use leads to changes in the brain's structure and function that can make a person more susceptible to developing a substance use disorder.[3] Brain imaging studies of persons with substance use disorder show physical changes in areas of the brain that are critical to judgment, decision making, learning and memory, and behavior control.[4]

Substance Abuse Treatment in Florida

"The provision of substance abuse services is governed by Chapters 394 and 397 of the Florida Statutes, which provide direction for a continuum of community-based services including prevention, treatment, and detoxification services."[5] The DCF administers a statewide system of safety-net services for substance abuse and mental health (SAMH) prevention, treatment, and recovery. SAMH programs include a range of prevention, acute interventions (such as crisis stabilization or detoxification), residential, transitional housing, outpatient treatment, and recovery support services.[6]

The DCF provides treatment for substance abuse through a community-based provider system that serves adolescents and adults affected by substance misuse, abuse, or dependence.[7] The DCF regulates substance abuse treatment by licensing individual treatment components under ch. 397, F.S., and Rule 65D-30, F.A.C.

The 2017 Legislature passed and the Governor approved HB 807, which made several changes to the DCF's licensure program for substance abuse treatment providers in ch. 397, F.S.[8] HB 807 (2017) revises the licensure application requirements and process and requires applicants to provide detailed information about the clinical services they provide.[9]

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[1] World Health Organization *Substance Abuse*, available at http://www.who.int/topics/substance_abuse/en/ (last visited on Jan. 26, 2018).
[2] Substance Abuse and Mental Health Services Administration, *Substance Use Disorders*, available at http://www.samhsa.gov/disorders/substance-use (last visited on Jan. 26, 2018).
[3] National Institute on Drug Abuse, *Drugs, Brains, and Behavior: The Science of Addiction*, available at https://www.drugabuse.gov/publications/drugs-brains-behavior-science-addiction/drug-abuse-addiction (last visited on Jan. 26, 2018).
[4] *Id.*
[5] Department of Children and Families, *Licensure and Regulation*, available at http://www.myflfamilies.com/service-programs/substance-abuse/licensure-regulation (last visited on Jan. 26, 2018).
[6] *Id.*
[7] Department of Children and Families, *Treatment for Substance Abuse*, available at http://www.myflfamilies.com/service-programs/substance-abuse/treatment-and-detoxification (last visited on Jan. 26, 2018).
[8] Chapter 2017-173, L.O.F.
[9] *Id.*

Recovery Residences

Recovery residences function under the premise that individuals benefit in their recovery by residing in an alcohol and drug-free environment. Recovery residences are designed to be financially self-sustaining through rent and fees paid by residents, and there is no limit on the length of stay for those who abide by the rules.[10]

Section 397.311(37) , F.S., defines a recovery residence as a residential dwelling unit, or other form of group housing, offered or advertised through any means, including oral, written, electronic, or printed means, by any person or entity as a residence that provides a peer-supported, alcohol-free, and drug-free living environment. A 2009 Connecticut study notes: "Sober houses do not provide treatment, just a place where people in similar circumstances can support one another in sobriety. Because they do not provide treatment, they typically are not subject to state regulation."[11]

Federal Fair Housing Act and Americans with Disabilities Act

The Federal Fair Housing Act of 1988 (FFHA)[12] prohibits discrimination on the basis of a handicap in all types of housing transactions. The FFHA defines a "handicap" to mean mental or physical impairments that substantially limit one or more major life activities. The term "mental or physical impairment" may include conditions such as blindness, hearing impairment, mobility impairment, HIV infection, mental retardation, alcoholism, drug addiction, chronic fatigue, learning disability, head injury, and mental illness. The term "major life activity" may include seeing, hearing, walking, breathing, performing manual tasks, caring for oneself, learning, speaking, or working. The FFHA also protects persons who have a record of such impairment or are regarded as having such impairment. Persons who are currently using controlled substances illegally, persons convicted of illegal manufacture or distribution of a controlled substance, sex offenders, and juvenile offenders are not considered disabled by virtue of that status under the FFHA.[13]

The Florida Fair Housing Act provides that it is unlawful to discriminate in the sale or rental of, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a handicap of a person residing in or intending to reside in that dwelling after it is sold, rented, or made available.[14] Discrimination includes a refusal to make reasonable accommodations in rules, policies, practices, or services when such accommodations may be necessary to afford a handicapped person equal opportunity to use and enjoy a dwelling.[15]

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[10] Department of Children and Families, *Recovery Residence Report* (Oct. 1, 2013), available at http://www.dcf.state.fl.us/programs/samh/docs/SoberHomesPR/DCFProvisoRpt-SoberHomes.pdf (last visited on Jan. 26, 2018).
[11] Office of Legislative Services, Connecticut General Assembly, *Sober Homes*, 2009-R-0316 (Sept. 2, 2009), available at https://www.cga.ct.gov/2009/rpt/2009-R-0316.htm (last visited on Jan. 26, 2018).
[12] 42 U.S.C. s. 3601 *et seq.*
[13] U.S. Department of Justice, *The Fair Housing Act*, available at http://www.justice.gov/crt/about/hce/housing_coverage.php (last visited on Jan. 26, 2018).
[14] Section 760.23(7)(b), F.S.
[15] Section 760.23(9)(b), F.S.

In July 1999, the U.S. Supreme Court in *Olmstead v. L.C.*[16] held that Title II of the Americans with Disabilities Act (ADA)

> prohibits the unjustified segregation of individuals with disabilities. The Supreme Court held that public entities are required to provide community-based services to persons with disabilities when (a) such services are appropriate; (b) the affected persons do not oppose community-based treatment; and (c) community-based services can be reasonably accommodated, taking into account the resources available to the entity and the needs of others who are receiving disability services from the entity.[17]

"The provisions of the ADA under the *Olmstead* ruling apply to people of all ages with all types of disabilities…"[18] "A former drug *addict* may be protected under the ADA because the addiction may be considered a substantially limiting impairment."[19] In addition, in *U.S. v. City of Boca Raton*,[20] the court held that the city's ordinance excluding substance abuse treatment facilities from residential areas violates the FFHA because it unjustifiably prohibits these individuals from enjoying the same rights and access to housing as anyone else.

Based on this protected class status held by individuals in substance abuse recovery, "federal courts have held that conditions placed on housing for people in recovery from either state or sub-state entities, such as licenses or conditional use permits, may in application be overbroad and result in violations of the … [FFHA] and ADA."[21] Additionally, federal courts have invalidated regulations that require registry of housing for protected classes, including recovery residences.[22] Further, "federal courts have enjoined state action that is predicated on discriminatory local government decisions."[23]

State and local governments have the authority to "act on the basis of protecting the public health and safety of other individuals."[24] "However, courts have observed that this justification may not be used as a guise to impose additional restrictions on protected classes under the FHA."[25] Further, these regulations "may not single out the disabled, and apply different and unique rules to housing, when compared to the general population."[26] Instead, the FHA and ADA require "that a reasonable accommodation be made, when necessary to allow a person with a qualifying

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[16] *Olmstead v. L.C.*, 527 U.S. 581 (1999).
[17] U.S. Department of Justice, *Statement of the Department of Justice on Enforcement of the Integration Mandate of Title II of the Americans with Disabilities Act and Olmstead v. L.C.*, available at https://www.ada.gov/olmstead/q&a_olmstead.htm (last visited on Jan. 26, 2018), citing at n. 7 to *Olmstead v. L.C.*, 527 U.S. at 607.
[18] Charles R. Moseley, *The ADA, Olmstead, and Medicaid: Implications for People with Intellectual and Developmental Disabilities* (2013), National Association of State Directors of Developmental Disabilities Services, available at http://www.nasddds.org/uploads/documents/ADA_Olmstead_and_Medicaid.pdf (last visited on Jan. 26, 2018).
[19] U.S. Commission on Civil Rights, *Sharing the Dream: Is the ADA Accommodating All?* (Chapter 4) (Oct. 2000) (citation omitted), available at http://www.usccr.gov/pubs/ada/ch4.htm#_ftn12 (last visited on Jan. 26, 2018).
[20] 1008 WL 686689 (S.D. Fla. 2008).
[21] *Supra*, n. 9, at p. 13-14 and footnote 60 (citing cases). *See Jeffrey O. v. City of Boca Raton*, 511 F. Supp. 2d 1339 (S.D. Fla. 2007).
[22] *Supra*, n. 9, at p. 13 and footnotes 54 and 55 (citing cases).
[23] *Supra*, n. 9, at p. 14 and footnote 61 (citing cases).
[24] Supra, n. 9, at p. 12 and footnote 48 (citing 42 U.S.C. s. 3604(f)(9).).
[25] *Supra*, n. 9, at p. 12 and footnote 49 (citing cases).
[26] *Supra*, n. 9, at p. 13 and footnote 53 (citing cases).

disability, equal opportunity to use and enjoy a dwelling."[27] The governmental entity bears the burden of proving through objective evidence that a regulation serves to protect the health and safety of the community and is not based upon stereotypes or "unsubstantiated inferences."[28]

Voluntary Certification of Recovery Residences in Florida

Florida does not license recovery residences. Instead, in 2015 the Legislature enacted ss. 397.487–397.4872, F.S., which establish voluntary certification programs for recovery residences and recovery residence administrators, implemented by private credentialing entities.[29]

While certification is voluntary, Florida law incentivizes certification. Florida law prohibits licensed substance abuse service providers from referring patients to a recovery residence unless the recovery residence is certified and is actively managed by a certified recovery residence administrator.[30] Referrals by licensed service providers to uncertified recovery residences are limited to: those licensed service providers under contract with a managing entity as defined in s. 394.9082, F.S.; referrals by a recovery residence to a licensed service provider when the recovery residence or its owners, directors, operators, or employees do not benefit, directly or indirectly, from the referral; and referrals before July 1, 2018 by a licensed service provider to that licensed service provider's wholly owned subsidiary.[31]

The DCF must publish a list of all certified recovery residences and recovery residence administrators on its website.[32] As of January 26, 2018, the website listed 335 certified recovery residences in Florida.[33]

Background Screening Requirements and Process Under Ch. 435, F.S.

Chapter 435, F.S., addresses background screening requirements for persons seeking employment or for employees in positions that require a background screening. An employer[34] may not hire, select, or otherwise allow an employee to have contact with a vulnerable person[35] that would place the employee in a role that requires a background screening until the screening process is completed and demonstrates the absence of any grounds for the denial or termination of employment. If the screening process shows any grounds for the denial or termination of employment, the employer may not hire, select, or otherwise allow the employee to have contact with any vulnerable person that would place the employee in a role that requires background

[27] *Supra*, n. 9, at p. 10 and footnote 26 (citing federal statutes, regulations, and cases).
[28] *Supra*, n. 9, at p. 12 and footnote 50 (citing cases).
[29] Ch. 2015-100, L.O.F.
[30] Section 397.4873(1), F.S.
[31] Section 397.4873(2), F.S.
[32] Section 397.4872(3), F.S.
[33] Florida Association of Recovery Residences, *Certified Residences*, available at http://farronline.org/certification/certified-residences/ (last visited on Jan. 26, 2018).
[34] "Employer" means any person or entity required by law to conduct screening of employees pursuant to ch. 435, F.S. Section 435.02(3), F.S.
[35] "Vulnerable persons are defined as minors in s. 1.01, F.S., or as vulnerable adults in s. 415.102, F.S." *2018 Agency Legislative Bill Analysis* (SB 1418) (Jan. 9, 2018), Department of Children and Families (on file with the Senate Committee on Criminal Justice).

screening unless the employee is granted an exemption for disqualification by the agency[36] as provided under s. 435.07, F.S.[37]

If an employer becomes aware that an employee has been arrested for a disqualifying offense, the employer must remove the employee from contact with any vulnerable person that places the employee in a role that requires a background screening until the arrest is resolved in a way that the employer determines that the employee is still eligible for employment under ch. 435, F.S.[38] The employer must terminate the employment of any of its personnel found to be in noncompliance with the minimum standards of ch. 435, F.S., or place the employee in a position for which background screening is not required unless the employee is granted an exemption from disqualification pursuant to s. 435.07, F.S.[39]

An employer may hire an employee to a position that requires a background screening before the employee completes the screening process for training and orientation purposes. However, the employee may not have direct contact with vulnerable persons until the screening process is completed and the employee demonstrates that he or she exhibits no behaviors that warrant the denial or termination of employment.[40]

Sections 435.03 and 435.04, F.S., outline the screening requirements. There are two levels of background screening: level 1 and level 2:

- Level 1 screening includes, at a minimum, employment history checks and statewide criminal correspondence checks through the Florida Department of Law Enforcement (FDLE) and a check of the Dru Sjodin National Sex Offender Public Website,[41] and may include criminal records checks through local law enforcement agencies.[42]
- Level 2 screening includes, but, is not limited to, fingerprinting for statewide criminal history records checks through the FDLE and national criminal history checks through the Federal Bureau of Investigation (FBI), and may include local criminal records checks through local law enforcement agencies.[43]

The security background investigations under s. 435.04, F.S., for level 2 screening must ensure that no persons subject to this section have been arrested for and are awaiting final disposition of, have been found guilty of, regardless of adjudication, or entered a plea of nolo contender or guilty to, or have been adjudicated delinquent, and the record has not been sealed or expunged for, any offense listed in s. 435.04(2), F.S., or a similar law of another jurisdiction.[44]

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[36] "Agency" means any state, county, or municipal agency that grants licenses or registration permitting the operation of an employer or is itself an employer or that otherwise facilitates the screening of employees pursuant to ch. 435, F.S. If there is no state agency or the municipal or county agency chooses not to conduct employment screening, "agency" means the DCF. Section 435.02(1), F.S.
[37] Section 435.06(2)(a), F.S.
[38] Section 435.06(2)(b), F.S.
[39] Section 435.06(2)(c), F.S.
[40] Section 435.06(2)(d), F.S.
[41] The Dru Sjodin National Sex Offender Public Website is a U.S. government website that links public state, territorial, and tribal sex offender registries in one national search site. The website is available at https://www.nsopw.gov/ (last visited on Jan. 26, 2018).
[42] Section 435.03(1), F.S.
[43] Section 435.04(1)(a), F.S.
[44] Section 435.04(2), F.S.

Additionally, such investigations must ensure that no person subject to s. 435.04, F.S., has been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to any offense that constitutes domestic violence in s. 741.28, F.S., whether such act was committed in this state or another jurisdiction.[45]

For both levels of screening, the person required to be screened pursuant to ch. 435, F.S., must submit a complete set of information necessary to conduct a screening under ch. 435, F.S.,[46] and must supply any missing criminal or other necessary information upon request to the requesting employer or agency within 30 days after receiving the request for the information.[47] Every employee must attest, subject to penalty of perjury, to meeting the requirements for qualifying for employment pursuant ch. 435, F.S., and agreeing to inform the employer immediately if arrested for any of the disqualifying offenses while employed by the employer.[48]

For level 1 screening, the employer must submit the information necessary for screening to the Florida Department of Law Enforcement (FDLE) within 5 working days after receiving it. The FDLE must conduct a search of its records and respond to the employer or agency. The employer must inform the employee whether screening has revealed any disqualifying information.[49]

For level 2 screening, the employer or agency must submit the information necessary for screening to the FDLE within 5 working days after receiving it. The FDLE must perform a criminal history record check of its records and request that the FBI perform a national criminal history record check of its records for each employee for whom the request is made. The FDLE must respond to the employer or agency, and the employer or agency must inform the employee whether screening has revealed disqualifying information.[50]

Each employer licensed or registered with an agency must conduct level 2 screening and must submit to the agency annually or at the time of license renewal, under penalty of perjury, a signed attestation attesting to compliance with the provisions of ch. 435, F.S.[51]

Individuals Requiring Background Screening Under Ch. 397, F.S.

Only certain individuals affiliated with substance abuse treatment providers require background screening. Section 397.4073, F.S., requires all owners, directors, chief financial officers, and clinical supervisors of service providers, as well as all service provider personnel who have direct contact with children receiving services or with adults who are developmentally disabled receiving services to undergo level 2 background screening.

Regarding recovery residences, s. 397.487(6), F.S., and s. 397.4871(5), F.S., each require level 2 background screening for all recovery residence owners, directors, and chief financial officers, and for administrators seeking certification.

[45] Section 435.04(3), F.S.
[46] Section 435.05(1)(a), F.S.
[47] Section 435.05(1)(d), F.S.
[48] Section 435.05(2), F.S
[49] Section 435.05(1)(b), F.S.
[50] Section 435.05(1)(c), F.S.
[51] Section 435.05(3), F.S

Exemptions from Disqualification for Employment

Section 435.07(1), F.S., authorizes the head of the appropriate agency to grant to any employee otherwise disqualified from employment due to disqualifying offenses revealed pursuant to a background screening required under ch. 435, F.S., an exemption from such disqualification. For a felony, three years must have elapsed since the applicant for the exemption has completed or been lawfully released from confinement, supervision, or nonmonetary condition imposed. No waiting period applies to misdemeanors.

Additionally, s. 435.07(2), F.S., provides that persons employed, or applicants for employment, by treatment providers who treat adolescents 13 years of age and older who are disqualified from employment solely because of crimes under s. 817.563, F.S. (sale of imitation controlled substance), s. 893.13, F.S. (controlled substances offenses, excluding drug trafficking), or s. 893.147, F.S. (drug paraphernalia offenses) may be exempted from disqualification from employment pursuant to ch. 435, F.S., without application of the 3-year waiting period for felony offenses in s. 435.07(1)(a)1., F.S.

Section 397.4073(4), F.S., authorizes the DCF to grant any service provider personnel an exemption from disqualification as provided in s. 435.07, F.S. The DCF may grant exemptions from disqualification to service provider personnel whose backgrounds checks indicate crimes under s. 817.563, F.S., s. 893.13, F.S. (controlled substances offenses, excluding drug trafficking), or s. 893.147, F.S., or grant exemptions from disqualification which would limit service provider personnel to working with adults in substance abuse treatment facilities.

Section 397.4872(1), F.S., provides that the individual exemptions to staff disqualification or administrator ineligibility may be requested if a recovery residence deems the decision will benefit the program. Requests for exemptions must be submitted in writing to the DCF within 20 days after the denial by the credentialing entity and must include a justification for the exemption. Subsection (2) provides, with some exceptions, the DCF may exempt a person from ss. 397.487(6), and 397.4871(5), F.S., if it has been at least 3 years since the person has completed or been lawfully released from confinement, supervision, or sanction for the disqualifying offense.

As previously noted, substance abuse services are governed by ch. 394, F.S., and ch. 397, F.S.[52] "The system of care provides services to children and adults with or at-risk of substance misuse/abuse problems or co-occurring substance abuse and mental health problems[.]"[53] Section 394.4572(1)(a), F.S., requires a level 2 screening for mental health personnel,[54]and s. 394.4572(1)(a), F.S., authorizes the DCF and the Agency for Health Care Administration (AHCA) to grant exemptions from disqualification as provided in ch. 435, F.S. However,

[52] *Supra*, n. 5.
[53] Department of Children and Families, *Substance Abuse and Mental Health Services Plan 2014-2016*, p. 3, available at http://www.dcf.state.fl.us/programs/samh/publications/2014-2016%20SAMH%20Services%20Plan.pdf (last visited on Jan. 26, 2018).
[54] "Mental health personnel" includes all program directors, professional clinicians, staff members, and volunteers working in public or private mental health programs and facilities who have direct contact with individuals held for examination or admitted for mental health treatment. Section 394.4572(1)(a), F.S.

s. 394.4572, F.S., does not specifically authorize the DCF or the AHCA to grant exemptions from disqualification for service provider personnel to work solely in mental health treatment programs or facilities or in programs or facilities that treat co-occurring substance use and mental health disorders.

III. Effect of Proposed Changes:

Section 1 amends s. 394.4572, F.S., relating to screening of mental health personnel, by expanding the group of individuals for whom an agency head can grant exemptions from disqualification to include applicants otherwise disqualified from employment. Specifically, the bill allows the head of the DCF or the AHCA to grant exemptions from disqualification to service provider personnel seeking to work solely in mental health treatment programs or facilities or in programs or facilities that treat co-occurring substance use and mental health disorders.

Section 2 amends s. 397.4073, F.S., relating to personnel background checks, to modify current requirements relating to background screening and exemptions from disqualification from employment to:

- Require Level 2 background checks and level 2 background screening through AHCA under s. 408.809, F.S., for all owners, directors, chief financial officers, and clinical supervisors of service providers, and for service provider personnel and volunteers, excluding certain part-time volunteers under direct supervision, who have direct contact with individuals receiving treatment;
- Require the DCF to grant or deny an exemption for disqualification within 60 days after receipt of a complete application;
- Authorize an applicant for the exemption to work with adults with substance use disorders under the supervision of persons who meet all personnel requirements of ch. 397, F.S., for up to 90 days after being notified of the disqualification or until the DCF makes a final determination on the request for an exemption, whichever is earlier, if 5 years or more have elapsed since the applicant completed or was lawfully released from confinement, supervision, or nonmonetary condition imposed by the court for the most recent disqualifying offense;
- Add the following crimes for which service provider personnel may be exempted from disqualification from employment:
  - Prostitution-related offenses under s. 796.07(2)(e), F.S.;
  - Unarmed burglary of a conveyance or structure under s. 810.02(4), F.S.;
  - Third degree grand theft under s. 812.014(2)(c), F.S.;
  - Forgery under s. 831.01, F.S;
  - Offenses involving a worthless check or a debit card under s. 832.05(4), F.S.; and
  - Any attempt, solicitation, or conspiracy to commit any of these offenses or any offense currently listed in the section; and
- Authorize the DCF to grant exemptions from disqualification for service provider personnel to work solely in substance abuse treatment programs or facilities or in programs or facilities that treat co-occurring substance use and mental health disorders.

Section 3 amends s. 397.487, F.S., relating to recovery residences, to require that all certified recovery residences comply with the provisions of the Florida Fire Prevention Code which apply

to one-family and two-family dwellings, public lodging establishments or rooming houses, or other housing facilities as applicable.

Section 4 amends s. 397.4873, F.S., relating to referrals to or from recovery residences, to modify existing restrictions on referrals to or from recovery residences to allow referrals by a recovery residence to a licensed service provider when a resident has experienced a recurrence of substance use and, in the best judgment of the recovery residence administrator, it appears that the resident may benefit from clinical treatment services. The bill also provides that a recovery residence or its owners, directors, operators, employees, or volunteers may not benefit from referrals made pursuant to provisions of s. 397.4873, F.S.

Section 5 amends s. 435.07, F.S., to add the same offenses previously described in Section 2 of the bill to the list of offenses for which a person may be exempted from disqualification, without application of the 3-year waiting period, for employment by a treatment provider who treats adolescents 13 years of age or older.

Section 6 provides an effective date of July 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill may have an impact on recovery residences which need to modify features of existing physical structures or move to new locations in order to comply with relevant provisions of the Florida Fire Prevention Code. This impact is indeterminate.

C. Government Sector Impact:

The DCF may be impacted by an increased workload associated with the newly added time limit on rendering decisions for employment disqualification exemptions. This impact is not expected to be significant.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 394.4572, 397.4073, 397.487, 397.4873, and 435.07.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Children, Families, and Elder Affairs on January 22, 2018:

- Removes the creation of a new licensable component of "treatment with housing overlay" and restores the deletion of day and night treatment with community housing.
- Expands staff and volunteers who are subject to a level 2 background screening to include anyone with direct contact with individuals receiving treatment, and requires these personnel to undergo a background screening under s. 408.809, F.S.
- Expands the offenses for which an individual may receive an exemption from disqualification for employment without the statutorily-imposed waiting period, if the individual is working with adolescents 13 years of age and older and adults with substance use disorders.
- Allows an individual to work under supervision for up to 90 days while the DCF evaluates his or her application for an exemption from disqualification under certain conditions.

B. Amendments:

None.