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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 term "peer specialist"; amending s.
12 397.4073, F.S.; conforming provisions to changes made
13 by the act; creating s. 397.417, F.S.; providing
14 legislative findings and intent; authorizing a person
15 to seek certification as a peer specialist if he or
16 she meets specified qualifications; requiring a
17 background screening, completion of a training
18 program, and a passing score on a competency exam for
19 a qualified person to obtain certification as a peer
20 specialist; requiring the Department of Children and
21 Families to develop a training program for peer
22 specialists and give preference to trainers who are
23 certified peer specialists; requiring the training
24 program to coincide with a competency exam and be
25 based on current practice standards; requiring the
26 department to certify peer specialists directly or by
27 designating a nonprofit certification organization;
28 requiring that a person providing peer specialist
29 services be certified or supervised by a licensed

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30 behavioral health care professional or a certified
31 peer specialist; authorizing the department, a
32 behavioral health managing entity, or the Medicaid
33 program to reimburse a peer specialist service as a
34 recovery service; encouraging Medicaid managed care
35 plans to use peer specialists in providing recovery
36 services; requiring peer specialists to meet the
37 requirements of a background screening as a condition
38 of employment and continued employment; authorizing
39 the department or the Agency for Health Care
40 Administration to require by rule that fingerprints be
41 submitted electronically to the Department of Law
42 Enforcement; authorizing the department or the agency
43 to contract with certain vendors for fingerprinting;
44 specifying requirements for vendors; specifying
45 offenses to be considered in the background screening
46 of a peer specialist; authorizing a person who does
47 not meet background screening requirements to request
48 an exemption from disqualification from the department
49 or the agency; providing that all peer specialists
50 certified as of the effective date of this act are
51 recognized as having met the requirements of this act;
52 amending ss. 212.055, 394.495, 394.496, 394.9085,
53 397.416, 409.972, 440.102, and 744.2007, F.S.;

54 conforming cross-references; making technical changes;
55 providing an effective date.

56
57 Be It Enacted by the Legislature of the State of Florida:
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59 Section 1. Present subsections (32) through (48) of section
60 394.455, Florida Statutes, are redesignated as subsections (33)
61 through (49), respectively, and a new subsection (32) is added
62 to that section, to read:

63 394.455 Definitions.—As used in this part, the term:
64 (32) "Peer specialist" means a person who has been in
65 recovery from a substance use disorder or mental illness for the
66 past 2 years or a family member or caregiver of a person with a
67 substance use disorder or mental illness and who is certified
68 under s. 397.417.

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.

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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

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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. Present subsections (30) through (49) of section
122 397.311, Florida Statutes, are redesignated as subsections (31)
123 through (50), respectively, and a new subsection (30) is added
124 to that section, to read:

125 397.311 Definitions.—As used in this chapter, except part
126 VIII, the term:

127 (30) "Peer specialist" means a person who has been in
128 recovery from a substance use disorder or mental illness for the
129 past 2 years or a family member or caregiver of a person with a
130 substance use disorder or mental illness and who is certified
131 under s. 397.417.

132 Section 5. Paragraph (f) of subsection (1) and paragraphs
133 (b) and (c) of subsection (4) of section 397.4073, Florida
134 Statutes, are amended to read:

135 397.4073 Background checks of service provider personnel.—

136 (1) PERSONNEL BACKGROUND CHECKS; REQUIREMENTS AND
137 EXCEPTIONS.—

138 (f) Service provider personnel who request an exemption
139 from disqualification must submit the request within 30 days
140 after being notified of the disqualification. If 5 years or more
141 have elapsed since the most recent disqualifying offense,
142 service provider personnel may work with adults with mental
143 health or substance use disorders or co-occurring disorders
144 under the supervision of a qualified professional licensed under
145 chapter 490 or chapter 491 or a master's-level-certified

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146 addictions professional until the agency makes a final
147 determination regarding the request for an exemption from
148 disqualification.

149 (4) EXEMPTIONS FROM DISQUALIFICATION.—

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

157 ~~(c)~~ The department may grant exemptions from
158 disqualification which would limit service provider personnel to
159 working with adults in substance use disorder ~~abuse~~ treatment
160 facilities.

161 Section 6. Section 397.417, Florida Statutes, is created to
162 read:

163 397.417 Behavioral health peer specialists.—

164 (1) LEGISLATIVE FINDINGS AND INTENT.—

165 (a) The Legislature finds that:

166 1. The ability to provide adequate behavioral health
167 services is limited by a shortage of professionals and
168 paraprofessionals.

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

171 3. Peer specialists provide effective support services
172 because they share common life experiences with the persons they
173 assist.

174 4. Peer specialists promote a sense of community among

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175 those in recovery.

176 5. Research has shown that peer support facilitates
177 recovery and reduces health care costs.

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

180 (b) The Legislature intends to expand the use of peer
181 specialists as a cost-effective means of providing services by
182 ensuring that peer specialists meet specified qualifications,
183 meet modified background screening requirements, and are
184 adequately reimbursed for their services.

185 (2) QUALIFICATIONS.—

186 (a) A person may seek certification as a peer specialist if
187 he or she has been in recovery from a substance use disorder or
188 mental illness for the past 2 years or if he or she is a family
189 member or caregiver of a person with a substance use disorder or
190 mental illness.

191 (b) To obtain certification as a peer specialist, a person
192 must meet the background screening requirements of subsection
193 (5), complete the training program, and achieve a passing score
194 on the competency exam described in paragraph (3)(a).

195 (3) DUTIES OF THE DEPARTMENT.—

196 (a) The department must develop a training program for
197 persons seeking certification as peer specialists. The
198 department must give preference to trainers who are certified
199 peer specialists. The training program must coincide with a
200 competency exam and be based on current practice standards.

201 (b) The department shall certify peer specialists. The
202 department may certify peer specialists directly or may
203 designate a private, nonprofit certification organization to

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204 certify peer specialists, implement the training program, and
205 administer the competency exam.

206 (c) The department must require that a person providing
207 peer specialist services be certified or be supervised by a
208 licensed behavioral health care professional or a certified peer
209 specialist.

210 (4) PAYMENT.—Peer specialist services may be reimbursed as
211 a recovery service through the department, a behavioral health
212 managing entity, or the Medicaid program. Medicaid managed care
213 plans are encouraged to use peer specialists in providing
214 recovery services.

215 (5) BACKGROUND SCREENING.—

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

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

230 (c) The department or the Agency for Health Care
231 Administration, as applicable, may contract with one or more
232 vendors to perform all or part of the electronic fingerprinting

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233 pursuant to this section. Such contracts must ensure that the
234 owners and personnel of the vendor performing the electronic
235 fingerprinting are qualified and will ensure the integrity and
236 security of all personal identifying information.

237 (d) Vendors who submit fingerprints on behalf of employers
238 must:

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

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

253 (f) The background screening under this section must ensure
254 that a peer specialist has not been found guilty of, regardless
255 of adjudication, or entered a plea of nolo contendere or guilty
256 to, or been adjudicated delinquent and the record has not been
257 sealed or expunged for, any offense prohibited under any of the
258 following state laws or similar laws of another jurisdiction:

259 1. Section 393.135, relating to sexual misconduct with
260 certain developmentally disabled clients and reporting of such
261 sexual misconduct.

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262 2. Section 394.4593, relating to sexual misconduct with
263 certain mental health patients and reporting of such sexual
264 misconduct.

265 3. Section 409.9201, relating to Medicaid fraud.

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

268 5. Section 741.28, relating to domestic violence.

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

271 7. Section 782.04, relating to murder.

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

277 9. Section 782.071, relating to vehicular homicide.

278 10. Section 782.09, relating to killing of an unborn child
279 by injury to the mother.

280 11. Chapter 784, relating to assault, battery, and culpable
281 negligence, if the offense was a felony.

282 12. Section 787.01, relating to kidnapping.

283 13. Section 787.02, relating to false imprisonment.

284 14. Section 787.025, relating to luring or enticing a
285 child.

286 15. Section 787.04(2), relating to leading, taking,
287 enticing, or removing a minor beyond the state limits, or
288 concealing the location of a minor, with criminal intent pending
289 custody proceedings.

290 16. Section 787.04(3), relating to leading, taking,

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291 enticing, or removing a minor beyond the state limits, or
292 concealing the location of a minor, with criminal intent pending
293 dependency proceedings or proceedings concerning alleged abuse
294 or neglect of a minor.

295 17. Section 790.115(1), relating to exhibiting firearms or
296 weapons within 1,000 feet of a school.

297 18. Section 790.115(2)(b), relating to possessing an
298 electric weapon or device, destructive device, or other weapon
299 on school property.

300 19. Section 794.011, relating to sexual battery.

301 20. Former s. 794.041, relating to prohibited acts of
302 persons in familial or custodial authority.

303 21. Section 794.05, relating to unlawful sexual activity
304 with certain minors.

305 22. Section 794.08, relating to female genital mutilation.

306 23. Section 798.02, relating to lewd and lascivious
307 behavior.

308 24. Chapter 800, relating to lewdness and indecent
309 exposure.

310 25. Section 806.01, relating to arson.

311 26. Section 810.02, relating to burglary, if the offense
312 was a felony of the first degree.

313 27. Section 810.14, relating to voyeurism, if the offense
314 was a felony.

315 28. Section 810.145, relating to video voyeurism, if the
316 offense was a felony.

317 29. Section 812.13, relating to robbery.

318 30. Section 812.131, relating to robbery by sudden
319 snatching.

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- 320 31. Section 812.133, relating to carjacking.
- 321 32. Section 812.135, relating to home-invasion robbery.
- 322 33. Section 817.50, relating to fraudulently obtaining
323 goods or services from a health care provider and false reports
324 of a communicable disease.
- 325 34. Section 817.505, relating to patient brokering.
- 326 35. Section 825.102, relating to abuse, aggravated abuse,
327 or neglect of an elderly person or disabled adult.
- 328 36. Section 825.1025, relating to lewd or lascivious
329 offenses committed upon or in the presence of an elderly person
330 or disabled person.
- 331 37. Section 825.103, relating to exploitation of an elderly
332 person or disabled adult, if the offense was a felony.
- 333 38. Section 826.04, relating to incest.
- 334 39. Section 827.03, relating to child abuse, aggravated
335 child abuse, or neglect of a child.
- 336 40. Section 827.04, relating to contributing to the
337 delinquency or dependency of a child.
- 338 41. Former s. 827.05, relating to negligent treatment of
339 children.
- 340 42. Section 827.071, relating to sexual performance by a
341 child.
- 342 43. Section 831.30, relating to fraud in obtaining
343 medicinal drugs.
- 344 44. Section 831.31, relating to sale, manufacture,
345 delivery, possession with intent to sell, manufacture, or
346 deliver any counterfeit controlled substance if the offense was
347 a felony.
- 348 45. Section 843.01, relating to resisting arrest with

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349 violence.

350 46. Section 843.025, relating to depriving a law

351 enforcement, correctional, or correctional probation officer

352 means of protection or communication.

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

354 48. Section 843.13, relating to aiding in the escape of

355 juvenile inmates of correctional institutions.

356 49. Chapter 847, relating to obscene literature.

357 50. Section 874.05, relating to encouraging or recruiting

358 another to join a criminal gang.

359 51. Chapter 893, relating to drug abuse prevention and

360 control, if the offense was a felony of the second degree or

361 greater severity.

362 52. Section 895.03, relating to racketeering and collection

363 of unlawful debts.

364 53. Section 896.101, relating to the Florida Money

365 Laundering Act.

366 54. Section 916.1075, relating to sexual misconduct with

367 certain forensic clients and reporting of such sexual

368 misconduct.

369 55. Section 944.35(3), relating to inflicting cruel or

370 inhuman treatment on an inmate resulting in great bodily harm.

371 56. Section 944.40, relating to escape.

372 57. Section 944.46, relating to harboring, concealing, or

373 aiding an escaped prisoner.

374 58. Section 944.47, relating to introduction of contraband

375 into a correctional facility.

376 59. Section 985.701, relating to sexual misconduct in

377 juvenile justice programs.

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378 60. Section 985.711, relating to contraband introduced into
379 detention facilities.

380 (6) EXEMPTION REQUESTS.—Persons who wish to become a peer
381 specialist and are disqualified under subsection (5) may request
382 an exemption from disqualification pursuant to s. 435.07 from
383 the department or the Agency for Health Care Administration, as
384 applicable.

385 (7) GRANDFATHER CLAUSE.—All peer specialists certified as
386 of the effective date of this act are recognized as having met
387 the requirements of this act.

388 Section 7. Paragraph (e) of subsection (5) of section
389 212.055, Florida Statutes, is amended to read:

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

403 (5) COUNTY PUBLIC HOSPITAL SURTAX.—Any county as defined in
404 s. 125.011(1) may levy the surtax authorized in this subsection
405 pursuant to an ordinance either approved by extraordinary vote
406 of the county commission or conditioned to take effect only upon

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407 approval by a majority vote of the electors of the county voting
408 in a referendum. In a county as defined in s. 125.011(1), for
409 the purposes of this subsection, "county public general
410 hospital" means a general hospital as defined in s. 395.002
411 which is owned, operated, maintained, or governed by the county
412 or its agency, authority, or public health trust.

413 (e) A governing board, agency, or authority shall be
414 chartered by the county commission upon this act becoming law.
415 The governing board, agency, or authority shall adopt and
416 implement a health care plan for indigent health care services.
417 The governing board, agency, or authority shall consist of no
418 more than seven and no fewer than five members appointed by the
419 county commission. The members of the governing board, agency,
420 or authority shall be at least 18 years of age and residents of
421 the county. A ~~Ne~~ member may not be employed by or affiliated
422 with a health care provider or the public health trust, agency,
423 or authority responsible for the county public general hospital.
424 The following community organizations shall each appoint a
425 representative to a nominating committee: the South Florida
426 Hospital and Healthcare Association, the Miami-Dade County
427 Public Health Trust, the Dade County Medical Association, the
428 Miami-Dade County Homeless Trust, and the Mayor of Miami-Dade
429 County. This committee shall nominate between 10 and 14 county
430 citizens for the governing board, agency, or authority. The
431 slate shall be presented to the county commission and the county
432 commission shall confirm the top five to seven nominees,
433 depending on the size of the governing board. Until such time as
434 the governing board, agency, or authority is created, the funds
435 provided for in subparagraph (d)2. shall be placed in a

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436 restricted account set aside from other county funds and not
437 disbursed by the county for any other purpose.

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

444 2. The plan and subsequent amendments to it shall fund a
445 defined range of health care services for both indigent persons
446 and the medically poor, including primary care, preventive care,
447 hospital emergency room care, and hospital care necessary to
448 stabilize the patient. For the purposes of this section,
449 "stabilization" means stabilization as defined in s. 397.311 ~~s.~~
450 ~~397.311(45)~~. Where consistent with these objectives, the plan
451 may include services rendered by physicians, clinics, community
452 hospitals, and alternative delivery sites, as well as at least
453 one regional referral hospital per service area. The plan shall
454 provide that agreements negotiated between the governing board,
455 agency, or authority and providers shall recognize hospitals
456 that render a disproportionate share of indigent care, provide
457 other incentives to promote the delivery of charity care to draw
458 down federal funds where appropriate, and require cost
459 containment, including, but not limited to, case management.
460 From the funds specified in subparagraphs (d)1. and 2. for
461 indigent health care services, service providers shall receive
462 reimbursement at a Medicaid rate to be determined by the
463 governing board, agency, or authority created pursuant to this
464 paragraph for the initial emergency room visit, and a per-member

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465 per-month fee or capitation for those members enrolled in their
466 service area, as compensation for the services rendered
467 following the initial emergency visit. Except for provisions of
468 emergency services, upon determination of eligibility,
469 enrollment shall be deemed to have occurred at the time services
470 were rendered. The provisions for specific reimbursement of
471 emergency services shall be repealed on July 1, 2001, unless
472 otherwise reenacted by the Legislature. The capitation amount or
473 rate shall be determined before program implementation by an
474 independent actuarial consultant. In no event shall such
475 reimbursement rates exceed the Medicaid rate. The plan must also
476 provide that any hospitals owned and operated by government
477 entities on or after the effective date of this act must, as a
478 condition of receiving funds under this subsection, afford
479 public access equal to that provided under s. 286.011 as to any
480 meeting of the governing board, agency, or authority the subject
481 of which is budgeting resources for the retention of charity
482 care, as that term is defined in the rules of the Agency for
483 Health Care Administration. The plan shall also include
484 innovative health care programs that provide cost-effective
485 alternatives to traditional methods of service and delivery
486 funding.

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

491 4. Eligible residents who participate in the health care
492 plan shall receive coverage for a period of 12 months or the
493 period extending from the time of enrollment to the end of the

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494 current fiscal year, per enrollment period, whichever is less.

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

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

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

507 (3) Assessments must be performed by:

508 (a) A professional as defined in s. 394.455(5), (7), (33)
509 ~~(32)~~, (36) ~~(35)~~, or (37) ~~(36)~~;

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

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

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

517 394.496 Service planning.—

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

522 Section 10. 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 term ~~terms~~
526 “detoxification services~~,”~~ has the same meaning as
527 detoxification in s. 397.311(26) (a), “addictions receiving
528 facility~~,”~~ has the same meaning as provided in s.
529 397.311(26) (a), and “receiving facility” has have the same
530 meaning ~~meanings~~ as those provided in s. 394.455 ~~ss.~~
531 ~~397.311(26) (a) 4., 397.311(26) (a) 1., and 394.455(39),~~
532 ~~respectively.~~

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

535 397.416 Substance use disorder ~~abuse~~ treatment services;
536 qualified professional.—Notwithstanding any other provision of
537 law, a person who was certified through a certification process
538 recognized by the former Department of Health and Rehabilitative
539 Services before January 1, 1995, may perform the duties of a
540 qualified professional with respect to substance use ~~abuse~~
541 treatment services as defined in this chapter, and need not meet
542 the certification requirements contained in s. 397.311(35) ~~s.~~
543 ~~397.311(34).~~

544 Section 12. Paragraph (b) of subsection (1) of section
545 409.972, Florida Statutes, is amended to read:

546 409.972 Mandatory and voluntary enrollment.—

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

551 (b) Medicaid recipients residing in residential commitment

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552 facilities operated through the Department of Juvenile Justice
553 or in a treatment facility as defined in s. 394.455 ~~s.~~
554 ~~394.455(47)~~.

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

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

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

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

568 (g) "Employee assistance program" means an established
569 program capable of providing expert assessment of employee
570 personal concerns; confidential and timely identification
571 services with regard to employee drug abuse; referrals of
572 employees for appropriate diagnosis, treatment, and assistance;
573 and followup services for employees who participate in the
574 program or require monitoring after returning to work. If, in
575 addition to the above activities, an employee assistance program
576 provides diagnostic and treatment services, these services shall
577 in all cases be provided by service providers as defined in s.
578 397.311 ~~pursuant to s. 397.311(43)~~.

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

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581 744.2007 Powers and duties.—

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

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