

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 to give preference to trainers who are  
23 certified peer specialists; requiring the training  
24 program to coincide with a competency exam and to 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  
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 initial employment and continued employment;  
39 | requiring the department to forward fingerprints to  
40 | the Department of Law Enforcement; requiring that fees  
41 | for state and federal fingerprint processing be borne  
42 | by the peer specialist applying for employment;  
43 | providing that any arrest record identified through  
44 | background screening be forwarded to the department;  
45 | authorizing the Department of Children and Families or  
46 | the agency to contract with certain vendors for  
47 | fingerprinting; specifying requirements for vendors;  
48 | specifying offenses to be considered in the background  
49 | screening of a peer specialist; authorizing a person  
50 | who does not meet background screening requirements to

51 request an exemption from disqualification from the  
 52 department or the agency; providing that all peer  
 53 specialists certified as of the effective date of this  
 54 act are recognized as having met the requirements of  
 55 this act; amending s. 435.07, F.S.; authorizing the  
 56 exemption of certain persons from disqualification  
 57 from employment; amending ss. 212.055, 394.495,  
 58 394.496, 394.9085, 397.416, 409.972, 440.102, 464.012,  
 59 and 744.2007, F.S.; conforming cross-references;  
 60 making technical changes; providing an effective date.

61

62 Be It Enacted by the Legislature of the State of Florida:

63

64 Section 1. Subsections (32) through (48) of section  
 65 394.455, Florida Statutes, are renumbered as subsections (33)  
 66 through (49), respectively, and a new subsection (32) is added  
 67 to that section to read:

68 394.455 Definitions.—As used in this part, the term:

69 (32) "Peer specialist" means a person who has been in  
 70 recovery from a substance use disorder or mental illness for the  
 71 past 2 years or a family member or caregiver of a person with a  
 72 substance use disorder or mental illness and who is certified  
 73 under s. 397.417.

74 Section 2. Paragraph (a) of subsection (1) of section  
 75 394.4572, Florida Statutes, is amended to read:

76 | 394.4572 Screening of mental health personnel.—

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

93 | Section 3. Paragraph (1) of subsection (2) of section  
 94 | 394.4573, Florida Statutes, is amended to read:

95 | 394.4573 Coordinated system of care; annual assessment;  
 96 | essential elements; measures of performance; system improvement  
 97 | grants; reports.—On or before December 1 of each year, the  
 98 | department shall submit to the Governor, the President of the  
 99 | Senate, and the Speaker of the House of Representatives an  
 100 | assessment of the behavioral health services in this state. The

101 assessment shall consider, at a minimum, the extent to which  
102 designated receiving systems function as no-wrong-door models,  
103 the availability of treatment and recovery services that use  
104 recovery-oriented and peer-involved approaches, the availability  
105 of less-restrictive services, and the use of evidence-informed  
106 practices. The department's assessment shall consider, at a  
107 minimum, the needs assessments conducted by the managing  
108 entities pursuant to s. 394.9082(5). Beginning in 2017, the  
109 department shall compile and include in the report all plans  
110 submitted by managing entities pursuant to s. 394.9082(8) and  
111 the department's evaluation of each plan.

112 (2) The essential elements of a coordinated system of care  
113 include:

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

126 Section 4. Subsections (30) through (49) of section  
127 397.311, Florida Statutes, are renumbered as subsections (31)  
128 through (50), respectively, and a new subsection (30) is added  
129 to that section to read:

130 397.311 Definitions.—As used in this chapter, except part  
131 VIII, the term:

132 (30) "Peer specialist" means a person who has been in  
133 recovery from a substance use disorder or mental illness for the  
134 past 2 years or a family member or caregiver of a person with a  
135 substance use disorder or mental illness and who is certified  
136 under s. 397.417.

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

140 397.4073 Background checks of service provider personnel.—

141 (1) PERSONNEL BACKGROUND CHECKS; REQUIREMENTS AND  
142 EXCEPTIONS.—

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

151 | addictions professional until the agency makes a final  
 152 | determination regarding the request for an exemption from  
 153 | disqualification.

154 | (4) EXEMPTIONS FROM DISQUALIFICATION.—

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

162 | ~~(c)~~ The department may grant exemptions from  
 163 | disqualification which would limit service provider personnel to  
 164 | working with adults in substance use disorder ~~abuse~~ treatment  
 165 | facilities.

166 | Section 6. Section 397.417, Florida Statutes, is created  
 167 | to read:

168 | 397.417 Behavioral health peer specialists.—

169 | (1) LEGISLATIVE FINDINGS AND INTENT.—

170 | (a) The Legislature finds that:

171 | 1. The ability to provide adequate behavioral health  
 172 | services is limited by a shortage of professionals and  
 173 | paraprofessionals.

174 | 2. The state is experiencing an increase in opioid  
 175 | addictions, which prove fatal to persons in many cases.

176 3. Peer specialists provide effective support services  
177 because they share common life experiences with the persons they  
178 assist.

179 4. Peer specialists promote a sense of community among  
180 those in recovery.

181 5. Research has shown that peer support facilitates  
182 recovery and reduces health care costs.

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

185 (b) The Legislature intends to expand the use of peer  
186 specialists as a cost-effective means of providing services by  
187 ensuring that peer specialists meet specified qualifications,  
188 meet modified background screening requirements, and are  
189 adequately reimbursed for their services.

190 (2) QUALIFICATIONS.—

191 (a) A person may seek certification as a peer specialist  
192 if he or she has been in recovery from a substance use disorder  
193 or mental illness for the past 2 years or if he or she is a  
194 family member or caregiver of a person with a substance use  
195 disorder or mental illness.

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

200 (3) DUTIES OF THE DEPARTMENT.—

201        (a) The department shall develop a training program for  
202 persons seeking certification as peer specialists. The  
203 department must give preference to trainers who are certified  
204 peer specialists. The training program must coincide with a  
205 competency exam and be based on current practice standards.

206        (b) The department shall certify peer specialists. The  
207 department may certify peer specialists directly or may  
208 designate a private, nonprofit certification organization to  
209 certify peer specialists, implement the training program, and  
210 administer the competency exam.

211        (c) The department must require that a person providing  
212 peer specialist services be certified or be supervised by a  
213 licensed behavioral health care professional or a certified peer  
214 specialist.

215        (4) PAYMENT.—Peer specialist services may be reimbursed as  
216 a recovery service through the department, a behavioral health  
217 managing entity, or the Medicaid program. Medicaid managed care  
218 plans are encouraged to use peer specialists in providing  
219 recovery services.

220        (5) BACKGROUND SCREENING.—

221        (a) A peer specialist must have completed or have been  
222 lawfully released from confinement, supervision, or any  
223 nonmonetary condition imposed by the court for any felony and  
224 must undergo a background screening as a condition of employment  
225 and continued employment. The applicant must submit a full set

226 of fingerprints to the department or to a vendor, entity, or  
227 agency authorized by s. 943.053(13). The department, vendor,  
228 entity, or agency shall forward the fingerprints to the  
229 Department of Law Enforcement for state processing and the  
230 Department of Law Enforcement shall forward the fingerprints to  
231 the Federal Bureau of Investigation for national processing.  
232 Fees for state and federal fingerprint processing and retention  
233 shall be borne by the applicant. The state cost for fingerprint  
234 processing shall be as provided in s. 943.053(3)(e) for records  
235 provided to persons or entities other than those specified as  
236 exceptions therein. Fingerprints submitted to the Department of  
237 Law Enforcement pursuant to this paragraph shall be retained as  
238 provided by s. 435.12 and, when the Department of Law  
239 Enforcement begins participation in the program, enrolled in the  
240 Federal Bureau of Investigation's fingerprint retention program  
241 as provided in s. 943.05(4). Any arrest record identified shall  
242 be reported to the department.

243 (b) The department or the Agency for Health Care  
244 Administration, as applicable, may contract with one or more  
245 vendors to perform all or part of the electronic fingerprinting  
246 pursuant to this section. Such contracts must ensure that the  
247 owners and personnel of the vendor performing the electronic  
248 fingerprinting are qualified and will ensure the integrity and  
249 security of all personal identifying information.

250 (c) Vendors who submit fingerprints on behalf of employers

251 must:

252 1. Meet the requirements of s. 943.053; and

253 2. Have the ability to communicate electronically with the  
254 department or the Agency for Health Care Administration, as  
255 applicable, and to accept screening results from the Department  
256 of Law Enforcement and provide the applicant's full first name,  
257 middle initial, and last name; social security number or  
258 individual taxpayer identification number; date of birth;  
259 mailing address; sex; and race.

260 (d) The background screening under this section must  
261 ensure that a peer specialist has not, during the previous 3  
262 years, been arrested for and is awaiting final disposition of,  
263 been found guilty of, regardless of adjudication, or entered a  
264 plea of nolo contendere or guilty to, or been adjudicated  
265 delinquent and the record has not been sealed or expunged for,  
266 any felony.

267 (e) The background screening under this section must  
268 ensure that a peer specialist has not been found guilty of,  
269 regardless of adjudication, or entered a plea of nolo contendere  
270 or guilty to, or been adjudicated delinquent and the record has  
271 not been sealed or expunged for, any offense prohibited under  
272 any of the following state laws or similar laws of another  
273 jurisdiction:

274 1. Section 393.135, relating to sexual misconduct with  
275 certain developmentally disabled clients and reporting of such

276 sexual misconduct.

277 2. Section 394.4593, relating to sexual misconduct with  
278 certain mental health patients and reporting of such sexual  
279 misconduct.

280 3. Section 409.9201, relating to Medicaid fraud.

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

283 5. Section 741.28, relating to domestic violence.

284 6. Section 777.04, relating to attempts, solicitation, and  
285 conspiracy to commit an offense listed in this paragraph.

286 7. Section 782.04, relating to murder.

287 8. Section 782.07, relating to manslaughter, aggravated  
288 manslaughter of an elderly person or disabled adult, aggravated  
289 manslaughter of a child, or aggravated manslaughter of an  
290 officer, a firefighter, an emergency medical technician, or a  
291 paramedic.

292 9. Section 782.071, relating to vehicular homicide.

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

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

297 12. Section 787.01, relating to kidnapping.

298 13. Section 787.02, relating to false imprisonment.

299 14. Section 787.025, relating to luring or enticing a  
300 child.

301        15. Section 787.04(2), relating to leading, taking,  
302 enticing, or removing a minor beyond the state limits, or  
303 concealing the location of a minor, with criminal intent pending  
304 custody proceedings.

305        16. Section 787.04(3), relating to leading, taking,  
306 enticing, or removing a minor beyond the state limits, or  
307 concealing the location of a minor, with criminal intent pending  
308 dependency proceedings or proceedings concerning alleged abuse  
309 or neglect of a minor.

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

312        18. Section 790.115(2)(b), relating to possessing an  
313 electric weapon or device, destructive device, or other weapon  
314 on school property.

315        19. Section 794.011, relating to sexual battery.

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

318        21. Section 794.05, relating to unlawful sexual activity  
319 with certain minors.

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

321        23. Section 798.02, relating to lewd and lascivious  
322 behavior.

323        24. Chapter 800, relating to lewdness and indecent  
324 exposure.

325        25. Section 806.01, relating to arson.

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

328        27. Section 810.14, relating to voyeurism, if the offense  
329 was a felony.

330        28. Section 810.145, relating to video voyeurism, if the  
331 offense was a felony.

332        29. Section 812.13, relating to robbery.

333        30. Section 812.131, relating to robbery by sudden  
334 snatching.

335        31. Section 812.133, relating to carjacking.

336        32. Section 812.135, relating to home-invasion robbery.

337        33. Section 817.50, relating to fraudulently obtaining  
338 goods or services from a health care provider and false reports  
339 of a communicable disease.

340        34. Section 817.505, relating to patient brokering.

341        35. Section 825.102, relating to abuse, aggravated abuse,  
342 or neglect of an elderly person or disabled adult.

343        36. Section 825.1025, relating to lewd or lascivious  
344 offenses committed upon or in the presence of an elderly person  
345 or disabled person.

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

348        38. Section 826.04, relating to incest.

349        39. Section 827.03, relating to child abuse, aggravated  
350 child abuse, or neglect of a child.

- 351        40. Section 827.04, relating to contributing to the  
352 delinquency or dependency of a child.
- 353        41. Former s. 827.05, relating to negligent treatment of  
354 children.
- 355        42. Section 827.071, relating to sexual performance by a  
356 child.
- 357        43. Section 831.30, relating to fraud in obtaining  
358 medicinal drugs.
- 359        44. Section 831.31, relating to sale, manufacture,  
360 delivery, or possession with intent to sell, manufacture, or  
361 deliver any counterfeit controlled substance, if the offense was  
362 a felony.
- 363        45. Section 843.01, relating to resisting arrest with  
364 violence.
- 365        46. Section 843.025, relating to depriving a law  
366 enforcement, correctional, or correctional probation officer of  
367 the means of protection or communication.
- 368        47. Section 843.12, relating to aiding in an escape.
- 369        48. Section 843.13, relating to aiding in the escape of  
370 juvenile inmates of correctional institutions.
- 371        49. Chapter 847, relating to obscene literature.
- 372        50. Section 874.05, relating to encouraging or recruiting  
373 another to join a criminal gang.
- 374        51. Chapter 893, relating to drug abuse prevention and  
375 control, if the offense was a felony of the second degree or

376 greater severity.

377 52. Section 895.03, relating to racketeering and  
378 collection of unlawful debts.

379 53. Section 896.101, relating to the Florida Money  
380 Laundering Act.

381 54. Section 916.1075, relating to sexual misconduct with  
382 certain forensic clients and reporting of such sexual  
383 misconduct.

384 55. Section 944.35(3), relating to inflicting cruel or  
385 inhuman treatment on an inmate resulting in great bodily harm.

386 56. Section 944.40, relating to escape.

387 57. Section 944.46, relating to harboring, concealing, or  
388 aiding an escaped prisoner.

389 58. Section 944.47, relating to introduction of contraband  
390 into a correctional facility.

391 59. Section 985.701, relating to sexual misconduct in  
392 juvenile justice programs.

393 60. Section 985.711, relating to contraband introduced  
394 into detention facilities.

395 (6) EXEMPTION REQUESTS.—A person who wishes to become a  
396 peer specialist and is disqualified under subsection (5) may  
397 request an exemption from disqualification pursuant to s. 435.07  
398 from the department or the Agency for Health Care  
399 Administration, as applicable.

400 (7) GRANDFATHER CLAUSE.—All peer specialists certified as

401 of the effective date of this act are recognized as having met  
402 the requirements of this act.

403 Section 7. Subsection (2) of section 435.07, Florida  
404 Statutes, is amended to read:

405 435.07 Exemptions from disqualification.—Unless otherwise  
406 provided by law, the provisions of this section apply to  
407 exemptions from disqualification for disqualifying offenses  
408 revealed pursuant to background screenings required under this  
409 chapter, regardless of whether those disqualifying offenses are  
410 listed in this chapter or other laws.

411 (2) Persons employed, or applicants for employment, by  
412 treatment providers who treat adolescents 13 years of age and  
413 older, and who are disqualified from employment solely because  
414 of crimes under s. 796.07(2)(e), s. 810.02(4), s. 812.014(2)(c),  
415 s. 817.563, s. 831.01, s. 831.02, s. 893.13, or s. 893.147, and  
416 any related criminal attempt, solicitation, or conspiracy under  
417 s. 777.04, may be exempted from disqualification from employment  
418 pursuant to this chapter without application of the waiting  
419 period in subparagraph (1)(a)1.

420 Section 8. Paragraph (e) of subsection (5) of section  
421 212.055, Florida Statutes, is amended to read:

422 212.055 Discretionary sales surtaxes; legislative intent;  
423 authorization and use of proceeds.—It is the legislative intent  
424 that any authorization for imposition of a discretionary sales  
425 surtax shall be published in the Florida Statutes as a

426 subsection of this section, irrespective of the duration of the  
427 levy. Each enactment shall specify the types of counties  
428 authorized to levy; the rate or rates which may be imposed; the  
429 maximum length of time the surtax may be imposed, if any; the  
430 procedure which must be followed to secure voter approval, if  
431 required; the purpose for which the proceeds may be expended;  
432 and such other requirements as the Legislature may provide.  
433 Taxable transactions and administrative procedures shall be as  
434 provided in s. 212.054.

435 (5) COUNTY PUBLIC HOSPITAL SURTAX.—Any county as defined  
436 in s. 125.011(1) may levy the surtax authorized in this  
437 subsection pursuant to an ordinance either approved by  
438 extraordinary vote of the county commission or conditioned to  
439 take effect only upon approval by a majority vote of the  
440 electors of the county voting in a referendum. In a county as  
441 defined in s. 125.011(1), for the purposes of this subsection,  
442 "county public general hospital" means a general hospital as  
443 defined in s. 395.002 which is owned, operated, maintained, or  
444 governed by the county or its agency, authority, or public  
445 health trust.

446 (e) A governing board, agency, or authority shall be  
447 chartered by the county commission upon this act becoming law.  
448 The governing board, agency, or authority shall adopt and  
449 implement a health care plan for indigent health care services.  
450 The governing board, agency, or authority shall consist of no

451 more than seven and no fewer than five members appointed by the  
452 county commission. The members of the governing board, agency,  
453 or authority shall be at least 18 years of age and residents of  
454 the county. A ~~No~~ member may not be employed by or affiliated  
455 with a health care provider or the public health trust, agency,  
456 or authority responsible for the county public general hospital.  
457 The following community organizations shall each appoint a  
458 representative to a nominating committee: the South Florida  
459 Hospital and Healthcare Association, the Miami-Dade County  
460 Public Health Trust, the Dade County Medical Association, the  
461 Miami-Dade County Homeless Trust, and the Mayor of Miami-Dade  
462 County. This committee shall nominate between 10 and 14 county  
463 citizens for the governing board, agency, or authority. The  
464 slate shall be presented to the county commission and the county  
465 commission shall confirm the top five to seven nominees,  
466 depending on the size of the governing board. Until such time as  
467 the governing board, agency, or authority is created, the funds  
468 provided for in subparagraph (d)2. shall be placed in a  
469 restricted account set aside from other county funds and not  
470 disbursed by the county for any other purpose.

471 1. The plan shall divide the county into a minimum of four  
472 and maximum of six service areas, with no more than one  
473 participant hospital per service area. The county public general  
474 hospital shall be designated as the provider for one of the  
475 service areas. Services shall be provided through participants'

476 primary acute care facilities.

477         2. The plan and subsequent amendments to it shall fund a  
478 defined range of health care services for both indigent persons  
479 and the medically poor, including primary care, preventive care,  
480 hospital emergency room care, and hospital care necessary to  
481 stabilize the patient. For the purposes of this section,  
482 "stabilization" means stabilization as defined in s. 397.311 ~~s.~~  
483 ~~397.311(45)~~. Where consistent with these objectives, the plan  
484 may include services rendered by physicians, clinics, community  
485 hospitals, and alternative delivery sites, as well as at least  
486 one regional referral hospital per service area. The plan shall  
487 provide that agreements negotiated between the governing board,  
488 agency, or authority and providers shall recognize hospitals  
489 that render a disproportionate share of indigent care, provide  
490 other incentives to promote the delivery of charity care to draw  
491 down federal funds where appropriate, and require cost  
492 containment, including, but not limited to, case management.  
493 From the funds specified in subparagraphs (d)1. and 2. for  
494 indigent health care services, service providers shall receive  
495 reimbursement at a Medicaid rate to be determined by the  
496 governing board, agency, or authority created pursuant to this  
497 paragraph for the initial emergency room visit, and a per-member  
498 per-month fee or capitation for those members enrolled in their  
499 service area, as compensation for the services rendered  
500 following the initial emergency visit. Except for provisions of

501 emergency services, upon determination of eligibility,  
502 enrollment shall be deemed to have occurred at the time services  
503 were rendered. The provisions for specific reimbursement of  
504 emergency services shall be repealed on July 1, 2001, unless  
505 otherwise reenacted by the Legislature. The capitation amount or  
506 rate shall be determined before program implementation by an  
507 independent actuarial consultant. In no event shall such  
508 reimbursement rates exceed the Medicaid rate. The plan must also  
509 provide that any hospitals owned and operated by government  
510 entities on or after the effective date of this act must, as a  
511 condition of receiving funds under this subsection, afford  
512 public access equal to that provided under s. 286.011 as to any  
513 meeting of the governing board, agency, or authority the subject  
514 of which is budgeting resources for the retention of charity  
515 care, as that term is defined in the rules of the Agency for  
516 Health Care Administration. The plan shall also include  
517 innovative health care programs that provide cost-effective  
518 alternatives to traditional methods of service and delivery  
519 funding.

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

524 4. Eligible residents who participate in the health care  
525 plan shall receive coverage for a period of 12 months or the

526 | period extending from the time of enrollment to the end of the  
 527 | current fiscal year, per enrollment period, whichever is less.

528 |         5. At the end of each fiscal year, the governing board,  
 529 | agency, or authority shall prepare an audit that reviews the  
 530 | budget of the plan, delivery of services, and quality of  
 531 | services, and makes recommendations to increase the plan's  
 532 | efficiency. The audit shall take into account participant  
 533 | hospital satisfaction with the plan and assess the amount of  
 534 | poststabilization patient transfers requested, and accepted or  
 535 | denied, by the county public general hospital.

536 |         Section 9. Subsection (3) of section 394.495, Florida  
 537 | Statutes, is amended to read:

538 |             394.495 Child and adolescent mental health system of care;  
 539 | programs and services.—

540 |             (3) Assessments must be performed by:

541 |             (a) A professional as defined in s. 394.455(5), (7), (33)  
 542 | ~~(32)~~, (36) ~~(35)~~, or (37) ~~(36)~~;

543 |             (b) A professional licensed under chapter 491; or

544 |             (c) A person who is under the direct supervision of a  
 545 | qualified professional as defined in s. 394.455(5), (7), (33)  
 546 | ~~(32)~~, (36) ~~(35)~~, or (37) ~~(36)~~ or a professional licensed under  
 547 | chapter 491.

548 |         Section 10. Subsection (5) of section 394.496, Florida  
 549 | Statutes, is amended to read:

550 |             394.496 Service planning.—

551 (5) A professional as defined in s. 394.455(5), (7), (33)  
 552 ~~(32)~~, (36) ~~(35)~~, or (37) ~~(36)~~ or a professional licensed under  
 553 chapter 491 must be included among those persons developing the  
 554 services plan.

555 Section 11. Subsection (6) of section 394.9085, Florida  
 556 Statutes, is amended to read:

557 394.9085 Behavioral provider liability.—

558 (6) For purposes of this section, the term ~~terms~~  
 559 "detoxification services" has the same meaning as the term  
 560 "detoxification" as defined in s. 397.311(26)(a)4., "addictions  
 561 receiving facility" has the same meaning as provided in s.  
 562 397.311(26)(a)1., and "receiving facility" has ~~have~~ the same  
 563 meaning ~~meanings~~ as ~~those~~ provided in s. 394.455 ~~ss.~~  
 564 ~~397.311(26)(a)4., 397.311(26)(a)1., and 394.455(39),~~  
 565 respectively.

566 Section 12. Section 397.416, Florida Statutes, is amended  
 567 to read:

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

576 | 397.311(35) ~~s. 397.311(34)~~.

577 | Section 13. Paragraph (b) of subsection (1) of section  
578 | 409.972, Florida Statutes, is amended to read:

579 | 409.972 Mandatory and voluntary enrollment.—

580 | (1) The following Medicaid-eligible persons are exempt  
581 | from mandatory managed care enrollment required by s. 409.965,  
582 | and may voluntarily choose to participate in the managed medical  
583 | assistance program:

584 | (b) Medicaid recipients residing in residential commitment  
585 | facilities operated through the Department of Juvenile Justice  
586 | or in a treatment facility as defined in s. 394.455 ~~s.~~  
587 | ~~394.455(47)~~.

588 | Section 14. Paragraphs (d) and (g) of subsection (1) of  
589 | section 440.102, Florida Statutes, are amended to read:

590 | 440.102 Drug-free workplace program requirements.—The  
591 | following provisions apply to a drug-free workplace program  
592 | implemented pursuant to law or to rules adopted by the Agency  
593 | for Health Care Administration:

594 | (1) DEFINITIONS.—Except where the context otherwise  
595 | requires, as used in this act:

596 | (d) "Drug rehabilitation program" means a service provider  
597 | as defined in s. 397.311 which, ~~established pursuant to s.~~  
598 | ~~397.311(43),~~ ~~that~~ provides confidential, timely, and expert  
599 | identification, assessment, and resolution of employee drug  
600 | abuse.

601 (g) "Employee assistance program" means an established  
602 program capable of providing expert assessment of employee  
603 personal concerns; confidential and timely identification  
604 services with regard to employee drug abuse; referrals of  
605 employees for appropriate diagnosis, treatment, and assistance;  
606 and followup services for employees who participate in the  
607 program or require monitoring after returning to work. If, in  
608 addition to the above activities, an employee assistance program  
609 provides diagnostic and treatment services, these services shall  
610 in all cases be provided by service providers as defined in s.  
611 397.311 ~~pursuant to s. 397.311(43)~~.

612 Section 15. Paragraph (e) of subsection (4) of section  
613 464.012, Florida Statutes, is amended to read:

614 464.012 Licensure of advanced practice registered nurses;  
615 fees; controlled substance prescribing.—

616 (4) In addition to the general functions specified in  
617 subsection (3), an advanced practice registered nurse may  
618 perform the following acts within his or her specialty:

619 (e) A psychiatric nurse, who meets the requirements in s.  
620 394.455(36) ~~s. 394.455(35)~~, within the framework of an  
621 established protocol with a psychiatrist, may prescribe  
622 psychotropic controlled substances for the treatment of mental  
623 disorders.

624 Section 16. Subsection (7) of section 744.2007, Florida  
625 Statutes, is amended to read:

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626 |           744.2007 Powers and duties.—

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

630 |           Section 17. This act shall take effect July 1, 2019.