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Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on Health and Human Services)

A bill to be entitled

An act relating to substance abuse services; amending s. 394.4572, F.S.; authorizing the Department of Children and Families and the Agency for Health Care Administration to grant exemptions from disqualification for certain service provider personnel; amending s. 397.311, F.S.; redefining the terms "clinical supervisor" and "recovery residence"; defining the terms "clinical services supervisor," "clinical director," and "peer specialist"; amending s. 397.321, F.S.; providing for the review of certain decisions by a department-recognized certifying entity; authorizing certain persons to request an administrative hearing within a specified timeframe and under certain circumstances; amending s. 397.4073, F.S.; requiring individuals screened on or after a specified date to undergo specified background screening; requiring the department to grant or deny a request for an exemption from qualification within a certain timeframe; authorizing certain applicants for an exemption to work under the supervision of certain persons for a specified period of time while his or her application is pending; authorizing certain persons to be exempt from disqualification from employment; authorizing the department to grant exemptions from disqualification for service provider personnel to work solely in certain treatment programs



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28 and facilities; amending s. 397.4075, F.S.; increasing
29 the criminal penalty for certain unlawful activities
30 relating to personnel; providing a criminal penalty
31 for inaccurately disclosing certain facts in an
32 application for licensure; creating s. 397.417, F.S.;
33 providing legislative intent; authorizing an
34 individual to seek certification as a peer specialist
35 if he or she meets certain requirements; requiring the
36 department to approve one or more third-party
37 credentialing entities for specified purposes;
38 requiring the credentialing entity to demonstrate
39 compliance with certain standards in order to be
40 approved by the department; requiring an individual
41 providing department-funded recovery support services
42 as a peer specialist to be certified; authorizing an
43 individual who is not certified to provide recovery
44 support services as a peer specialist under certain
45 circumstances; prohibiting an individual who is not a
46 certified peer specialist from advertising or
47 providing recovery services unless the person is
48 exempt; providing criminal penalties; authorizing the
49 department, a behavioral health managing entity, or
50 the Medicaid program to reimburse peer specialist
51 services as a recovery service; encouraging Medicaid
52 managed care plans to use peer specialists in
53 providing recovery services; amending s. 397.487,
54 F.S.; revising legislative findings relating to
55 voluntary certification of recovery residences;
56 revising background screening requirements for owners,



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57 directors, and chief financial officers of recovery
58 residences; authorizing a certified recovery residence
59 to immediately discharge or transfer residents under
60 certain circumstances; specifying that a local
61 governmental entity is not prohibited from requiring
62 mandatory certification of recovery residences for
63 certain purposes; requiring the Sober Homes Task Force
64 within the Office of the State Attorney of the
65 Fifteenth Judicial Circuit to submit a report to the
66 Legislature containing certain recommendations;
67 amending s. 397.4873, F.S.; expanding the exceptions
68 to limitations on referrals by recovery residences to
69 licensed service providers; amending s. 397.55, F.S.;
70 revising the requirements for a service provider,
71 operator of a recovery residence, or certain third
72 parties to enter into certain contracts with marketing
73 providers; amending s. 435.07, F.S.; authorizing the
74 exemption of certain persons from disqualification
75 from employment; amending s. 553.80, F.S.; requiring
76 that a single-family or two-family dwelling used as a
77 recovery residence be deemed a single-family or two-
78 family dwelling for purposes of the Florida Building
79 Code; amending ss. 212.055, 397.416, and 440.102,
80 F.S.; conforming cross-references; providing an
81 effective date.

82
83 Be It Enacted by the Legislature of the State of Florida:

84
85 Section 1. Subsection (2) of section 394.4572, Florida



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86 Statutes, is amended to read:

87 394.4572 Screening of mental health personnel.—

88 (2) (a) The department or the Agency for Health Care
89 Administration may grant exemptions from disqualification as
90 provided in chapter 435.

91 (b) The department or the Agency for Health Care
92 Administration, as applicable, may grant exemptions from
93 disqualification for service provider personnel to work solely
94 in mental health treatment programs or facilities, or in
95 programs or facilities that treat co-occurring substance use and
96 mental health disorders.

97 Section 2. Present subsections (30) through (49) of section
98 397.311, Florida Statutes, are redesignated as subsections (31)
99 through (50), respectively, subsection (8) and present
100 subsection (37) of that section are amended, and subsection (30)
101 is added to that section, to read:

102 397.311 Definitions.—As used in this chapter, except part
103 VIII, the term:

104 (8) “Clinical supervisor,” “clinical services supervisor,”
105 or “clinical director” means a person who meets the requirements
106 of a qualified professional and who manages personnel who
107 provide direct clinical services, or who maintains lead
108 responsibility for the overall coordination and provision of
109 clinical services ~~treatment~~.

110 (30) “Peer specialist” means a person who has been in
111 recovery from a substance use disorder or mental illness for at
112 least 2 years and who uses his or her personal experience to
113 provide services in behavioral health settings, supporting
114 others in their recovery; or a person who has at least 2 years



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115 of experience as a family member or caregiver of an individual
116 who has a substance use disorder or mental illness. The term
117 does not include a qualified professional or a person otherwise
118 certified under chapter 394 or chapter 397.

119 ~~(38)~~(37) "Recovery residence" means a residential dwelling
120 unit, or other form of group housing, including group housing
121 that is part of any licensable community housing component
122 established by rule or statute, which ~~that~~ is offered or
123 advertised through any means, including oral, written,
124 electronic, or printed means, by any person or entity as a
125 residence that provides a peer-supported, alcohol-free, and
126 drug-free living environment.

127 Section 3. Subsection (15) of section 397.321, Florida
128 Statutes, is amended to read:

129 397.321 Duties of the department.—The department shall:

130 (15) Recognize a statewide certification process for
131 addiction professionals and identify and endorse one or more
132 agencies responsible for such certification of service provider
133 personnel. Any decision by a department-recognized certifying
134 entity to deny, revoke, or suspend a certification, or otherwise
135 impose sanctions on an individual who is certified, is
136 reviewable by the department. Upon receiving an adverse
137 determination, the person aggrieved may request an
138 administrative hearing conducted pursuant to ss. 120.569 and
139 120.57(1) within 30 days after completing any appeals process
140 offered by the credentialing entity or the department, as
141 applicable.

142 Section 4. Paragraphs (a), (f), and (g) of subsection (1),
143 and subsection (4) of section 397.4073, Florida Statutes, are



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144 amended to read:

145 397.4073 Background checks of service provider personnel.—

146 (1) PERSONNEL BACKGROUND CHECKS; REQUIREMENTS AND
147 EXCEPTIONS.—

148 (a) For all individuals screened on or after July 1, 2019,
149 background checks shall apply as follows:

150 1. All owners, directors, chief financial officers, and
151 clinical supervisors of service providers are subject to level 2
152 background screening as provided under chapter 435 and s.
153 408.809. Inmate substance abuse programs operated directly or
154 under contract with the Department of Corrections are exempt
155 from this requirement.

156 2. All service provider personnel who have direct contact
157 with children receiving services or with adults who are
158 developmentally disabled receiving services are subject to level
159 2 background screening as provided under chapter 435 and s.
160 408.809.

161 3. All peer specialists who have direct contact with
162 individuals receiving services are subject to level 2 background
163 screening as provided under chapter 435 and s. 408.809.

164 (f) Service provider personnel who request an exemption
165 from disqualification must submit the request within 30 days
166 after being notified of the disqualification. The department
167 shall grant or deny the request within 60 days after receipt of
168 a complete application.

169 (g) If 5 years or more have elapsed since an applicant for
170 an exemption from disqualification has completed or has been
171 lawfully released from confinement, supervision, or a
172 nonmonetary condition imposed by a court for the applicant's



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173 most recent disqualifying offense, the applicant may work with
174 adults with substance use disorders or co-occurring disorders
175 under the supervision of persons who meet all personnel
176 requirements of this chapter for up to 90 days after being
177 notified of his or her disqualification or until the department
178 makes a final determination regarding his or her request for an
179 exemption from disqualification, whichever is earlier the most
180 ~~recent disqualifying offense, service provider personnel may~~
181 ~~work with adults with substance use disorders under the~~
182 ~~supervision of a qualified professional licensed under chapter~~
183 ~~490 or chapter 491 or a master's-level-certified addictions~~
184 ~~professional until the agency makes a final determination~~
185 ~~regarding the request for an exemption from disqualification.~~

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

190 (4) EXEMPTIONS FROM DISQUALIFICATION.—

191 (a) The department may grant to any service provider
192 personnel an exemption from disqualification as provided in s.
193 435.07.

194 (b) Since rehabilitated substance abuse impaired persons
195 are effective in the successful treatment and rehabilitation of
196 individuals with substance use disorders, for service providers
197 which treat adolescents 13 years of age and older, service
198 provider personnel whose background checks indicate crimes under
199 s. 796.07(2)(e), s. 810.02(4), s. 812.014(2)(c), s. 817.563, s.
200 831.01, s. 831.02, s. 893.13, or s. 893.147, and any related
201 criminal attempt, solicitation, or conspiracy under s. 777.04,



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202 may be exempted from disqualification from employment pursuant
203 to this paragraph.

204 (c) The department may grant exemptions from
205 disqualification for service provider personnel to work solely
206 in substance use disorder treatment programs, facilities, or
207 recovery residences or in programs or facilities that treat co-
208 occurring substance use and mental health disorders. The
209 department may further limit such ~~grant~~ exemptions from
210 disqualification ~~which would limit service provider personnel~~ to
211 working with adults in substance abuse treatment facilities.

212 Section 5. Section 397.4075, Florida Statutes, is amended
213 to read:

214 397.4075 Unlawful activities relating to personnel;
215 penalties.—It is a felony of the third ~~misdemeanor of the first~~
216 degree, punishable as provided in s. 775.082 or s. 775.083, for
217 any person willfully, knowingly, or intentionally to:

218 (1) Inaccurately disclose by false statement,
219 misrepresentation, impersonation, or other fraudulent means, or
220 fail to disclose, in any application for licensure or voluntary
221 or paid employment, any fact which is material in making a
222 determination as to the person's qualifications to be an owner,
223 a director, a volunteer, or other personnel of a service
224 provider;

225 (2) Operate or attempt to operate as a service provider
226 with personnel who are in noncompliance with the minimum
227 standards contained in this chapter; or

228 (3) Use or release any criminal or juvenile information
229 obtained under this chapter for any purpose other than
230 background checks of personnel for employment.



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231 Section 6. Section 397.417, Florida Statutes, is created to
232 read:

233 397.417 Peer Specialists.—

234 (1) The Legislature intends to expand the use of peer
235 specialists as a cost-effective means of providing services by
236 ensuring that peer specialists meet specified qualifications,
237 meet modified background screening requirements, and are
238 adequately reimbursed for their services.

239 (2) An individual may seek certification as a peer
240 specialist if he or she has been in recovery from a substance
241 use disorder or mental illness for at least 2 years, or if he or
242 she has at least 2 years of experience as a family member or
243 caregiver of a person with a substance use disorder or mental
244 illness.

245 (3) The department shall approve one or more third-party
246 credentialing entities for the purposes of certifying peer
247 specialists, approving training programs for individuals seeking
248 certification as peer specialists, approving continuing
249 education programs, and establishing the minimum requirements
250 and standards that applicants must achieve to maintain
251 certification. To obtain approval, the third-party credentialing
252 entity must demonstrate compliance with nationally recognized
253 standards for developing and administering professional
254 certification programs to certify peer specialists.

255 (4) An individual providing department-funded recovery
256 support services as a peer specialist shall be certified
257 pursuant to subsection (3). An individual who is not certified
258 may provide recovery support services as a peer specialist for
259 up to 1 year if he or she is working toward certification and is



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260 supervised by a qualified professional or by a certified peer
261 specialist who has at least 3 years of full-time experience as a
262 peer specialist at a licensed behavioral health organization.

263 (5) An individual who is not a certified peer specialist
264 may not advertise recovery services to the public in any way, or
265 by any medium; or provide recovery services as a peer
266 specialist, unless the person is exempt under subsection (4).
267 Any individual who violates this subsection commits a
268 misdemeanor of the first degree, punishable as provided in s.
269 775.082 or s. 775.083.

270 (6) Peer specialist services may be reimbursed as a
271 recovery service through the department, a behavioral health
272 managing entity, or the Medicaid program. Medicaid managed care
273 plans are encouraged to use peer specialists in providing
274 recovery services.

275 Section 7. Subsections (1) and (6) of section 397.487,
276 Florida Statutes, are amended, and subsections (11), (12), and
277 (13) are added to that section, to read:

278 397.487 Voluntary certification of recovery residences.—

279 (1) The Legislature finds that a person suffering from
280 addiction has a higher success rate of achieving long-lasting
281 sobriety when given the opportunity to build a stronger
282 foundation by living in a recovery residence while receiving
283 treatment or after completing treatment. The Legislature further
284 finds that this state and its subdivisions have a legitimate
285 state interest in protecting these persons, who represent a
286 vulnerable consumer population in need of adequate housing. It
287 is the intent of the Legislature to protect persons who reside
288 in a recovery residence.



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289 (6) All owners, directors, and chief financial officers of
290 an applicant recovery residence are subject to level 2
291 background screening as provided under chapter 435 and s.
292 408.809. A recovery residence is ineligible for certification,
293 and a credentialing entity shall deny a recovery residence's
294 application, if any owner, director, or chief financial officer
295 has been found guilty of, or has entered a plea of guilty or
296 nolo contendere to, regardless of adjudication, any offense
297 listed in s. 435.04(2) or s. 408.809(4) unless the department
298 has issued an exemption under s. 397.4073 or s. 397.4872. In
299 accordance with s. 435.04, the department shall notify the
300 credentialing agency of an owner's, director's, or chief
301 financial officer's eligibility based on the results of his or
302 her background screening.

303 (11) Notwithstanding any landlord and tenant rights and
304 obligations under chapter 83, a recovery residence that is
305 certified under this section and that has a discharge policy
306 approved by a credentialing entity may immediately discharge or
307 transfer a resident under any of the following circumstances:

308 (a) The discharge or transfer is necessary for the
309 resident's welfare.

310 (b) The resident's needs cannot be met at the recovery
311 residence.

312 (c) The health and safety of other residents or recovery
313 residence employees is at risk or would be at risk if the
314 resident continues to live at the recovery residence.

315 (12) This section does not prohibit a local governmental
316 entity from requiring mandatory certification of recovery
317 residences as part of a reasonable accommodation process to



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318 protect the health and safety of the residents.

319 (13) By January 1, 2020, the Sober Homes Task Force within
320 the Office of the State Attorney of the Fifteenth Judicial
321 Circuit shall submit a report to the President of the Senate and
322 the Speaker of the House of Representatives which contains
323 recommendations on mandatory statewide certification of recovery
324 residences.

325 Section 8. Paragraph (d) is added to subsection (2) of
326 section 397.4873, Florida Statutes, and subsection (1) of that
327 section is republished, to read:

328 397.4873 Referrals to or from recovery residences;
329 prohibitions; penalties.—

330 (1) A service provider licensed under this part may not
331 make a referral of a prospective, current, or discharged patient
332 to, or accept a referral of such a patient from, a recovery
333 residence unless the recovery residence holds a valid
334 certificate of compliance as provided in s. 397.487 and is
335 actively managed by a certified recovery residence administrator
336 as provided in s. 397.4871.

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

338 (d) The referral of a patient to, or acceptance of a
339 referral of such a patient from, a recovery residence that has
340 no direct or indirect financial or other referral relationship
341 with the provider and that is democratically operated by its
342 residents pursuant to a charter from an entity recognized or
343 sanctioned by Congress, and where the residence or any resident
344 of the residence does not receive a benefit, directly or
345 indirectly, for the referral.

346 Section 9. Paragraph (d) of subsection (1) of section



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347 397.55, Florida Statutes, is amended to read:

348 397.55 Prohibition of deceptive marketing practices.—

349 (1) The Legislature recognizes that consumers of substance
350 abuse treatment have disabling conditions and that such
351 consumers and their families are vulnerable and at risk of being
352 easily victimized by fraudulent marketing practices that
353 adversely impact the delivery of health care. To protect the
354 health, safety, and welfare of this vulnerable population, a
355 service provider, an operator of a recovery residence, or a
356 third party who provides any form of advertising or marketing
357 services to a service provider or an operator of a recovery
358 residence may not engage in any of the following marketing
359 practices:

360 (d) Entering into a contract with a marketing provider who
361 agrees to generate referrals or leads for the placement of
362 patients with a service provider or in a recovery residence
363 through a call center or a web-based presence, unless the
364 contract requires such agreement and the marketing provider
365 ~~service provider or the operator of the recovery residence~~
366 discloses the following to the prospective patient so that the
367 patient can make an informed health care decision:

368 1. Information about the specific licensed service
369 providers or recovery residences that are represented by the
370 marketing provider and pay a fee to the marketing provider,
371 including the identity of such service providers or recovery
372 residences; and

373 2. Clear and concise instructions that allow the
374 prospective patient to easily access lists of licensed service
375 providers and recovery residences on the department website.



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376 Section 10. Subsection (2) of section 435.07, Florida
377 Statutes, is amended to read:

378 435.07 Exemptions from disqualification.—Unless otherwise
379 provided by law, the provisions of this section apply to
380 exemptions from disqualification for disqualifying offenses
381 revealed pursuant to background screenings required under this
382 chapter, regardless of whether those disqualifying offenses are
383 listed in this chapter or other laws.

384 (2) Persons employed, or applicants for employment, by
385 treatment providers who treat adolescents 13 years of age and
386 older who are disqualified from employment solely because of
387 crimes under s. 796.07(2)(e), s. 810.02(4), s. 812.014(2)(c), s.
388 817.563, s. 831.01, s. 831.02, s. 893.13, or s. 893.147, or any
389 related criminal attempt, solicitation, or conspiracy under s.
390 777.04, may be exempted from disqualification from employment
391 pursuant to this chapter without application of the waiting
392 period in subparagraph (1)(a)1.

393 Section 11. Subsection (9) is added to section 553.80,
394 Florida Statutes, to read:

395 553.80 Enforcement.—

396 (9) If a single-family or two-family dwelling is used as a
397 recovery residence, as defined in s. 397.311, such dwelling
398 shall be deemed a single-family or two-family dwelling for
399 purposes of the Florida Building Code.

400 Section 12. Paragraph (e) of subsection (5) of section
401 212.055, Florida Statutes, is amended to read:

402 212.055 Discretionary sales surtaxes; legislative intent;
403 authorization and use of proceeds.—It is the legislative intent
404 that any authorization for imposition of a discretionary sales



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405 surtax shall be published in the Florida Statutes as a
406 subsection of this section, irrespective of the duration of the
407 levy. Each enactment shall specify the types of counties
408 authorized to levy; the rate or rates which may be imposed; the
409 maximum length of time the surtax may be imposed, if any; the
410 procedure which must be followed to secure voter approval, if
411 required; the purpose for which the proceeds may be expended;
412 and such other requirements as the Legislature may provide.
413 Taxable transactions and administrative procedures shall be as
414 provided in s. 212.054.

415 (5) COUNTY PUBLIC HOSPITAL SURTAX.—Any county as defined in
416 s. 125.011(1) may levy the surtax authorized in this subsection
417 pursuant to an ordinance either approved by extraordinary vote
418 of the county commission or conditioned to take effect only upon
419 approval by a majority vote of the electors of the county voting
420 in a referendum. In a county as defined in s. 125.011(1), for
421 the purposes of this subsection, "county public general
422 hospital" means a general hospital as defined in s. 395.002
423 which is owned, operated, maintained, or governed by the county
424 or its agency, authority, or public health trust.

425 (e) A governing board, agency, or authority shall be
426 chartered by the county commission upon this act becoming law.
427 The governing board, agency, or authority shall adopt and
428 implement a health care plan for indigent health care services.
429 The governing board, agency, or authority shall consist of no
430 more than seven and no fewer than five members appointed by the
431 county commission. The members of the governing board, agency,
432 or authority shall be at least 18 years of age and residents of
433 the county. No member may be employed by or affiliated with a



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434 health care provider or the public health trust, agency, or
435 authority responsible for the county public general hospital.
436 The following community organizations shall each appoint a
437 representative to a nominating committee: the South Florida
438 Hospital and Healthcare Association, the Miami-Dade County
439 Public Health Trust, the Dade County Medical Association, the
440 Miami-Dade County Homeless Trust, and the Mayor of Miami-Dade
441 County. This committee shall nominate between 10 and 14 county
442 citizens for the governing board, agency, or authority. The
443 slate shall be presented to the county commission and the county
444 commission shall confirm the top five to seven nominees,
445 depending on the size of the governing board. Until such time as
446 the governing board, agency, or authority is created, the funds
447 provided for in subparagraph (d)2. shall be placed in a
448 restricted account set aside from other county funds and not
449 disbursed by the county for any other purpose.

450 1. The plan shall divide the county into a minimum of four
451 and maximum of six service areas, with no more than one
452 participant hospital per service area. The county public general
453 hospital shall be designated as the provider for one of the
454 service areas. Services shall be provided through participants'
455 primary acute care facilities.

456 2. The plan and subsequent amendments to it shall fund a
457 defined range of health care services for both indigent persons
458 and the medically poor, including primary care, preventive care,
459 hospital emergency room care, and hospital care necessary to
460 stabilize the patient. For the purposes of this section,
461 "stabilization" means stabilization as defined in s. 397.311 ~~s.~~
462 ~~397.311(45)~~. Where consistent with these objectives, the plan



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463 may include services rendered by physicians, clinics, community
464 hospitals, and alternative delivery sites, as well as at least
465 one regional referral hospital per service area. The plan shall
466 provide that agreements negotiated between the governing board,
467 agency, or authority and providers shall recognize hospitals
468 that render a disproportionate share of indigent care, provide
469 other incentives to promote the delivery of charity care to draw
470 down federal funds where appropriate, and require cost
471 containment, including, but not limited to, case management.
472 From the funds specified in subparagraphs (d)1. and 2. for
473 indigent health care services, service providers shall receive
474 reimbursement at a Medicaid rate to be determined by the
475 governing board, agency, or authority created pursuant to this
476 paragraph for the initial emergency room visit, and a per-member
477 per-month fee or capitation for those members enrolled in their
478 service area, as compensation for the services rendered
479 following the initial emergency visit. Except for provisions of
480 emergency services, upon determination of eligibility,
481 enrollment shall be deemed to have occurred at the time services
482 were rendered. The provisions for specific reimbursement of
483 emergency services shall be repealed on July 1, 2001, unless
484 otherwise reenacted by the Legislature. The capitation amount or
485 rate shall be determined before program implementation by an
486 independent actuarial consultant. In no event shall such
487 reimbursement rates exceed the Medicaid rate. The plan must also
488 provide that any hospitals owned and operated by government
489 entities on or after the effective date of this act must, as a
490 condition of receiving funds under this subsection, afford
491 public access equal to that provided under s. 286.011 as to any



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492 meeting of the governing board, agency, or authority the subject
493 of which is budgeting resources for the retention of charity
494 care, as that term is defined in the rules of the Agency for
495 Health Care Administration. The plan shall also include
496 innovative health care programs that provide cost-effective
497 alternatives to traditional methods of service and delivery
498 funding.

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

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

507 5. At the end of each fiscal year, the governing board,
508 agency, or authority shall prepare an audit that reviews the
509 budget of the plan, delivery of services, and quality of
510 services, and makes recommendations to increase the plan's
511 efficiency. The audit shall take into account participant
512 hospital satisfaction with the plan and assess the amount of
513 poststabilization patient transfers requested, and accepted or
514 denied, by the county public general hospital.

515 Section 13. Section 397.416, Florida Statutes, is amended
516 to read:

517 397.416 Substance abuse treatment services; qualified
518 professional.—Notwithstanding any other provision of law, a
519 person who was certified through a certification process
520 recognized by the former Department of Health and Rehabilitative



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521 Services before January 1, 1995, may perform the duties of a
522 qualified professional with respect to substance abuse treatment
523 services as defined in this chapter, and need not meet the
524 certification requirements contained in s. 397.311(35) ~~s.~~
525 ~~397.311(34)~~.

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

528 440.102 Drug-free workplace program requirements.—The
529 following provisions apply to a drug-free workplace program
530 implemented pursuant to law or to rules adopted by the Agency
531 for Health Care Administration:

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

534 (d) "Drug rehabilitation program" means a service provider
535 as defined in s. 397.311 which, ~~established pursuant to s.~~
536 ~~397.311(43),~~ that provides confidential, timely, and expert
537 identification, assessment, and resolution of employee drug
538 abuse.

539 (g) "Employee assistance program" means an established
540 program capable of providing expert assessment of employee
541 personal concerns; confidential and timely identification
542 services with regard to employee drug abuse; referrals of
543 employees for appropriate diagnosis, treatment, and assistance;
544 and followup services for employees who participate in the
545 program or require monitoring after returning to work. If, in
546 addition to the above activities, an employee assistance program
547 provides diagnostic and treatment services, these services shall
548 in all cases be provided by service providers as defined in s.
549 397.311 ~~pursuant to s. 397.311(43)~~.



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Section 15. This act shall take effect July 1, 2019.