

By Senator Harrell

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1                   A bill to be entitled  
2       An act relating to substance abuse services; amending  
3       s. 394.4572, F.S.; authorizing the Department of  
4       Children and Families and the Agency for Health Care  
5       Administration to grant exemptions from  
6       disqualification for certain service provider  
7       personnel; amending s. 397.311, F.S.; redefining the  
8       terms "clinical supervisor" and "recovery residence";  
9       defining the terms "clinical services supervisor,"  
10      "clinical director," and "peer specialist"; amending  
11      s. 397.321, F.S.; providing for the review of certain  
12      decisions by a department-recognized certifying  
13      entity; authorizing certain persons to request an  
14      administrative hearing within a specified timeframe  
15      and under certain circumstances; amending s. 397.4073,  
16      F.S.; requiring individuals screened on or after a  
17      specified date to undergo specified background  
18      screening; requiring the department to grant or deny a  
19      request for an exemption from qualification within a  
20      certain timeframe; authorizing certain applicants for  
21      an exemption to work under the supervision of certain  
22      persons for a specified period of time while his or  
23      her application is pending; authorizing certain  
24      persons to be exempt from disqualification from  
25      employment; authorizing the department to grant  
26      exemptions from disqualification for service provider  
27      personnel to work solely in certain treatment programs  
28      and facilities; amending s. 397.4075, F.S.; increasing  
29      the criminal penalty for certain unlawful activities

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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 authorizing an individual to seek certification as a  
34 peer specialist if he or she meets certain  
35 requirements; requiring the department to approve one  
36 or more third-party credentialing entities for  
37 specified purposes; requiring the credentialing entity  
38 to demonstrate compliance with certain standards in  
39 order to be approved by the department; requiring an  
40 individual providing department-funded recovery  
41 support services as a peer specialist to be certified;  
42 authorizing an individual who is not certified to  
43 provide recovery support services as a peer specialist  
44 under certain circumstances; prohibiting an individual  
45 who is not a certified peer specialist from  
46 advertising or providing recovery services unless the  
47 person is exempt; providing criminal penalties;  
48 amending s. 397.487, F.S.; revising legislative  
49 findings relating to voluntary certification of  
50 recovery residences; revising background screening  
51 requirements for owners, directors, and chief  
52 financial officers of recovery residences; authorizing  
53 a certified recovery residence to immediately  
54 discharge or transfer residents under certain  
55 circumstances; amending s. 397.4873, F.S.; expanding  
56 the exceptions to limitations on referrals by recovery  
57 residences to licensed service providers; amending s.  
58 397.55, F.S.; revising the requirements for a service

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59 provider, operator of a recovery residence, or certain  
60 third parties to enter into certain contracts with  
61 marketing providers; amending s. 435.07, F.S.;  
62 authorizing the exemption of certain persons from  
63 disqualification from employment; amending s. 553.80,  
64 F.S.; requiring that a single-family or two-family  
65 dwelling used as a recovery residence be deemed a  
66 single-family or two-family dwelling for purposes of  
67 the Florida Building Code; amending s. 633.206, F.S.;  
68 requiring the Department of Financial Services to  
69 establish uniform firesafety standards for recovery  
70 residences; exempting a single-family or two-family  
71 dwelling used as a recovery residence from the uniform  
72 firesafety standards; requiring that such dwellings be  
73 deemed a single-family or two-family dwelling for the  
74 purposes of the Life Safety Code and Florida Fire  
75 Prevention Code; amending ss. 212.055, 397.416, and  
76 440.102, F.S.; conforming cross-references; providing  
77 an effective date.

78  
79 Be It Enacted by the Legislature of the State of Florida:

80  
81 Section 1. Subsection (2) of section 394.4572, Florida  
82 Statutes, is amended to read:

83 394.4572 Screening of mental health personnel.—

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

87 (b) The department or the Agency for Health Care

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88 Administration, as applicable, may grant exemptions from  
89 disqualification for service provider personnel to work solely  
90 in mental health treatment programs or facilities, or in  
91 programs or facilities that treat co-occurring substance use and  
92 mental health disorders.

93 Section 2. Present subsections (30) through (49) of section  
94 397.311, Florida Statutes, are redesignated as subsections (31)  
95 through (50), respectively, subsection (8) and present  
96 subsection (37) of that section are amended, and subsection (30)  
97 is added to that section, to read:

98 397.311 Definitions.—As used in this chapter, except part  
99 VIII, the term:

100 (8) "Clinical supervisor," "clinical services supervisor,"  
101 or "clinical director" means a person who meets the requirements  
102 of a qualified professional and who manages personnel who  
103 provide direct clinical services, or who maintains lead  
104 responsibility for the overall coordination and provision of  
105 clinical services treatment.

106 (30) "Peer specialist" means a person who has been in  
107 recovery from a substance use disorder or mental illness for at  
108 least 2 years and who uses his or her personal experience to  
109 provide services in behavioral health settings, supporting  
110 others in their recovery; or a person who has at least 2 years  
111 of experience as a family member or caregiver of an individual  
112 who has a substance use disorder or mental illness. The term  
113 does not include a qualified professional or a person otherwise  
114 certified under chapter 394 or chapter 397.

115 ~~(38)~~ ~~(37)~~ "Recovery residence" means a residential dwelling  
116 unit, or other form of group housing, including group housing

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117 that is part of any licensable community housing component  
118 established by rule or statute, which ~~that~~ is offered or  
119 advertised through any means, including oral, written,  
120 electronic, or printed means, by any person or entity as a  
121 residence that provides a peer-supported, alcohol-free, and  
122 drug-free living environment.

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

125 397.321 Duties of the department.—The department shall:

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

138 Section 4. Paragraphs (a), (f), and (g) of subsection (1),  
139 and subsection (4) of section 397.4073, Florida Statutes, are  
140 amended to read:

141 397.4073 Background checks of service provider personnel.—

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

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

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146 1. All owners, directors, chief financial officers, and  
147 clinical supervisors of service providers are subject to level 2  
148 background screening as provided under chapter 435 and s.  
149 408.809. Inmate substance abuse programs operated directly or  
150 under contract with the Department of Corrections are exempt  
151 from this requirement.

152 2. All service provider personnel who have direct contact  
153 with children receiving services or with adults who are  
154 developmentally disabled receiving services are subject to level  
155 2 background screening as provided under chapter 435 and s.  
156 408.809.

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

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

165 (g) If 5 years or more have elapsed since an applicant for  
166 an exemption from disqualification has completed or has been  
167 lawfully released from confinement, supervision, or a  
168 nonmonetary condition imposed by a court for the applicant's  
169 most recent disqualifying offense, the applicant may work with  
170 adults with substance use disorders or co-occurring disorders  
171 under the supervision of persons who meet all personnel  
172 requirements of this chapter for up to 90 days after being  
173 notified of his or her disqualification or until the department  
174 makes a final determination regarding his or her request for an

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175 ~~exemption from disqualification, whichever is earlier the most~~  
176 ~~recent disqualifying offense, service provider personnel may~~  
177 ~~work with adults with substance use disorders under the~~  
178 ~~supervision of a qualified professional licensed under chapter~~  
179 ~~490 or chapter 491 or a master's level certified addictions~~  
180 ~~professional until the agency makes a final determination~~  
181 ~~regarding the request for an exemption from disqualification.~~

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

186 (4) EXEMPTIONS FROM DISQUALIFICATION.—

187 (a) The department may grant to any service provider  
188 personnel an exemption from disqualification as provided in s.  
189 435.07.

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

200 (c) The department may grant exemptions from  
201 disqualification for service provider personnel to work solely  
202 in substance use disorder treatment programs, facilities, or  
203 recovery residences or in programs or facilities that treat co-

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204 occurring substance use and mental health disorders. The  
205 department may further limit such ~~grant~~ exemptions from  
206 disqualification ~~which would limit service provider personnel~~ to  
207 working with adults in substance abuse treatment facilities.

208 Section 5. Section 397.4075, Florida Statutes, is amended  
209 to read:

210 397.4075 Unlawful activities relating to personnel;  
211 penalties.—It is a felony of the third ~~misdemeanor of the first~~  
212 degree, punishable as provided in s. 775.082 or s. 775.083, for  
213 any person willfully, knowingly, or intentionally to:

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

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

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

227 Section 6. Section 397.417, Florida Statutes, is created to  
228 read:

229 397.417 Peer Specialists.—

230 (1) An individual may seek certification as a peer  
231 specialist if he or she has been in recovery from a substance  
232 use disorder or mental illness for at least 2 years, or if he or



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233 she has at least 2 years of experience as a family member or  
234 caregiver of a person with a substance use disorder or mental  
235 illness.

236 (2) The department shall approve one or more third-party  
237 credentialing entities for the purposes of certifying peer  
238 specialists, approving training programs for individuals seeking  
239 certification as peer specialists, approving continuing  
240 education programs, and establishing the minimum requirements  
241 and standards that applicants must achieve to maintain  
242 certification. To obtain approval, the third-party credentialing  
243 entity must demonstrate compliance with nationally recognized  
244 standards for developing and administering professional  
245 certification programs to certify peer specialists.

246 (3) An individual providing department-funded recovery  
247 support services as a peer specialist shall be certified  
248 pursuant to subsection (2). An individual who is not certified  
249 may provide recovery support services as a peer specialist for  
250 up to 1 year if he or she is working toward certification and is  
251 supervised by a qualified professional or by a certified peer  
252 specialist who has at least 3 years of full-time experience as a  
253 peer specialist at a licensed behavioral health organization.

254 (4) An individual who is not a certified peer specialist  
255 may not advertise recovery services to the public in any way, or  
256 by any medium; or provide recovery services as a peer  
257 specialist, unless the person is exempt under subsection (3).  
258 Any individual who violates this subsection commits a  
259 misdemeanor of the first degree, punishable as provided in s.  
260 775.082 or s. 775.083.

261 Section 7. Subsections (1) and (6) of section 397.487,

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262 Florida Statutes, are amended, and subsection (11) is added to  
263 that section, to read:

264 397.487 Voluntary certification of recovery residences.—

265 (1) The Legislature finds that a person suffering from  
266 addiction has a higher success rate of achieving long-lasting  
267 sobriety when given the opportunity to build a stronger  
268 foundation by living in a recovery residence while receiving  
269 treatment or after completing treatment. The Legislature further  
270 finds that this state and its subdivisions have a legitimate  
271 state interest in protecting these persons, who represent a  
272 vulnerable consumer population in need of adequate housing. It  
273 is the intent of the Legislature to protect persons who reside  
274 in a recovery residence.

275 (6) All owners, directors, and chief financial officers of  
276 an applicant recovery residence are subject to level 2  
277 background screening as provided under chapter 435 and s.  
278 408.809. A recovery residence is ineligible for certification,  
279 and a credentialing entity shall deny a recovery residence's  
280 application, if any owner, director, or chief financial officer  
281 has been found guilty of, or has entered a plea of guilty or  
282 nolo contendere to, regardless of adjudication, any offense  
283 listed in s. 435.04(2) or s. 408.809(4) unless the department  
284 has issued an exemption under s. 397.4073 or s. 397.4872. In  
285 accordance with s. 435.04, the department shall notify the  
286 credentialing agency of an owner's, director's, or chief  
287 financial officer's eligibility based on the results of his or  
288 her background screening.

289 (11) Notwithstanding any landlord and tenant rights and  
290 obligations under chapter 83, a recovery residence that is

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291 certified under this section and that has a discharge policy  
292 approved by a credentialing entity may immediately discharge or  
293 transfer a resident under any of the following circumstances:

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

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

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

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

304 397.4873 Referrals to or from recovery residences;  
305 prohibitions; penalties.—

306 (1) A service provider licensed under this part may not  
307 make a referral of a prospective, current, or discharged patient  
308 to, or accept a referral of such a patient from, a recovery  
309 residence unless the recovery residence holds a valid  
310 certificate of compliance as provided in s. 397.487 and is  
311 actively managed by a certified recovery residence administrator  
312 as provided in s. 397.4871.

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

314 (d) The referral of a patient to, or acceptance of a  
315 referral of such a patient from, a recovery residence that has  
316 no direct or indirect financial or other referral relationship  
317 with the provider and that is democratically operated by its  
318 residents pursuant to a charter from an entity recognized or  
319 sanctioned by Congress, and where the residence or any resident

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320 of the residence does not receive a benefit, directly or  
321 indirectly, for the referral.

322 Section 9. Paragraph (d) of subsection (1) of section  
323 397.55, Florida Statutes, is amended to read:

324 397.55 Prohibition of deceptive marketing practices.—

325 (1) The Legislature recognizes that consumers of substance  
326 abuse treatment have disabling conditions and that such  
327 consumers and their families are vulnerable and at risk of being  
328 easily victimized by fraudulent marketing practices that  
329 adversely impact the delivery of health care. To protect the  
330 health, safety, and welfare of this vulnerable population, a  
331 service provider, an operator of a recovery residence, or a  
332 third party who provides any form of advertising or marketing  
333 services to a service provider or an operator of a recovery  
334 residence may not engage in any of the following marketing  
335 practices:

336 (d) Entering into a contract with a marketing provider who  
337 agrees to generate referrals or leads for the placement of  
338 patients with a service provider or in a recovery residence  
339 through a call center or a web-based presence, unless the  
340 contract requires such agreement and the marketing provider  
341 ~~service provider or the operator of the recovery residence~~  
342 discloses the following to the prospective patient so that the  
343 patient can make an informed health care decision:

344 1. Information about the specific licensed service  
345 providers or recovery residences that are represented by the  
346 marketing provider and pay a fee to the marketing provider,  
347 including the identity of such service providers or recovery  
348 residences; and

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

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

354 435.07 Exemptions from disqualification.—Unless otherwise  
355 provided by law, the provisions of this section apply to  
356 exemptions from disqualification for disqualifying offenses  
357 revealed pursuant to background screenings required under this  
358 chapter, regardless of whether those disqualifying offenses are  
359 listed in this chapter or other laws.

360 (2) Persons employed, or applicants for employment, by  
361 treatment providers who treat adolescents 13 years of age and  
362 older who are disqualified from employment solely because of  
363 crimes under s. 796.07(2)(e), s. 810.02(4), s. 812.014(2)(c), s.  
364 817.563, s. 831.01, s. 831.02, s. 893.13, or s. 893.147, or any  
365 related criminal attempt, solicitation, or conspiracy under s.  
366 777.04, may be exempted from disqualification from employment  
367 pursuant to this chapter without application of the waiting  
368 period in subparagraph (1)(a)1.

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

371 553.80 Enforcement.—

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

376 Section 12. Paragraph (b) of subsection (1) of section  
377 633.206, Florida Statutes, is amended, and subsection (5) is

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378 added to that section, to read:

379       633.206 Uniform firesafety standards—The Legislature hereby  
380 determines that to protect the public health, safety, and  
381 welfare it is necessary to provide for firesafety standards  
382 governing the construction and utilization of certain buildings  
383 and structures. The Legislature further determines that certain  
384 buildings or structures, due to their specialized use or to the  
385 special characteristics of the person utilizing or occupying  
386 these buildings or structures, should be subject to firesafety  
387 standards reflecting these special needs as may be appropriate.

388       (1) The department shall establish uniform firesafety  
389 standards that apply to:

390       (b) All new, existing, and proposed hospitals, nursing  
391 homes, assisted living facilities, adult family-care homes,  
392 recovery residences, correctional facilities, public schools,  
393 transient public lodging establishments, public food service  
394 establishments, elevators, migrant labor camps, mobile home  
395 parks, lodging parks, recreational vehicle parks, recreational  
396 camps, residential and nonresidential child care facilities,  
397 facilities for the developmentally disabled, motion picture and  
398 television special effects productions, tunnels, and self-  
399 service gasoline stations, of which standards the State Fire  
400 Marshal is the final administrative interpreting authority.

401  
402 In the event there is a dispute between the owners of the  
403 buildings specified in paragraph (b) and a local authority  
404 requiring a more stringent uniform firesafety standard for  
405 sprinkler systems, the State Fire Marshal shall be the final  
406 administrative interpreting authority and the State Fire

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407 Marshal's interpretation regarding the uniform firesafety  
408 standards shall be considered final agency action.

409 (5) If a single-family or two-family dwelling is used as a  
410 recovery residence, as defined in s. 397.311, such dwelling is  
411 exempt from the uniform firesafety standards for recovery  
412 residences and shall be deemed a single-family or two-family  
413 dwelling for the purposes of the Life Safety Code and Florida  
414 Fire Prevention Code.

415 Section 13. Paragraph (e) of subsection (5) of section  
416 212.055, Florida Statutes, is amended to read:

417 212.055 Discretionary sales surtaxes; legislative intent;  
418 authorization and use of proceeds.—It is the legislative intent  
419 that any authorization for imposition of a discretionary sales  
420 surtax shall be published in the Florida Statutes as a  
421 subsection of this section, irrespective of the duration of the  
422 levy. Each enactment shall specify the types of counties  
423 authorized to levy; the rate or rates which may be imposed; the  
424 maximum length of time the surtax may be imposed, if any; the  
425 procedure which must be followed to secure voter approval, if  
426 required; the purpose for which the proceeds may be expended;  
427 and such other requirements as the Legislature may provide.  
428 Taxable transactions and administrative procedures shall be as  
429 provided in s. 212.054.

430 (5) COUNTY PUBLIC HOSPITAL SURTAX.—Any county as defined in  
431 s. 125.011(1) may levy the surtax authorized in this subsection  
432 pursuant to an ordinance either approved by extraordinary vote  
433 of the county commission or conditioned to take effect only upon  
434 approval by a majority vote of the electors of the county voting  
435 in a referendum. In a county as defined in s. 125.011(1), for

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436 the purposes of this subsection, "county public general  
437 hospital" means a general hospital as defined in s. 395.002  
438 which is owned, operated, maintained, or governed by the county  
439 or its agency, authority, or public health trust.

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



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465 1. The plan shall divide the county into a minimum of four  
466 and maximum of six service areas, with no more than one  
467 participant hospital per service area. The county public general  
468 hospital shall be designated as the provider for one of the  
469 service areas. Services shall be provided through participants'  
470 primary acute care facilities.

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

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

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

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

522 5. At the end of each fiscal year, the governing board,

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523 agency, or authority shall prepare an audit that reviews the  
524 budget of the plan, delivery of services, and quality of  
525 services, and makes recommendations to increase the plan's  
526 efficiency. The audit shall take into account participant  
527 hospital satisfaction with the plan and assess the amount of  
528 poststabilization patient transfers requested, and accepted or  
529 denied, by the county public general hospital.

530 Section 14. Section 397.416, Florida Statutes, is amended  
531 to read:

532 397.416 Substance abuse treatment services; qualified  
533 professional.—Notwithstanding any other provision of law, a  
534 person who was certified through a certification process  
535 recognized by the former Department of Health and Rehabilitative  
536 Services before January 1, 1995, may perform the duties of a  
537 qualified professional with respect to substance abuse treatment  
538 services as defined in this chapter, and need not meet the  
539 certification requirements contained in s. 397.311(35) ~~s.~~  
540 ~~397.311(34)~~.

541 Section 15. Paragraphs (d) and (g) of subsection (1) of  
542 section 440.102, Florida Statutes, are amended to read:

543 440.102 Drug-free workplace program requirements.—The  
544 following provisions apply to a drug-free workplace program  
545 implemented pursuant to law or to rules adopted by the Agency  
546 for Health Care Administration:

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

549 (d) "Drug rehabilitation program" means a service provider  
550 as defined in s. 397.311 which, ~~established pursuant to s.~~  
551 ~~397.311(43),~~ that provides confidential, timely, and expert

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552 identification, assessment, and resolution of employee drug  
553 abuse.

554 (g) "Employee assistance program" means an established  
555 program capable of providing expert assessment of employee  
556 personal concerns; confidential and timely identification  
557 services with regard to employee drug abuse; referrals of  
558 employees for appropriate diagnosis, treatment, and assistance;  
559 and followup services for employees who participate in the  
560 program or require monitoring after returning to work. If, in  
561 addition to the above activities, an employee assistance program  
562 provides diagnostic and treatment services, these services shall  
563 in all cases be provided by service providers as defined in s.  
564 397.311 ~~pursuant to s. 397.311(43)~~.

565 Section 16. This act shall take effect July 1, 2019.