



851674

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/19/2020	.	
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Appropriations Subcommittee on Health and Human Services  
(Harrell) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 62 - 179  
and insert:  
pursuant to this paragraph, provided that 5 years or more, or,  
in the case of a peer specialist certified pursuant to s.  
397.417, 3 years or more, have elapsed since the applicant for  
an exemption from disqualification has completed or has been  
lawfully released from confinement, supervision, or a  
nonmonetary condition imposed by a court for the applicant's



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11 most recent disqualifying offense under this subsection and the  
12 applicant for exemption has not been arrested for any criminal  
13 offense within the past 3 years.

14 Section 2. Subsection (6) of section 397.487, Florida  
15 Statutes, is amended to read:

16 397.487 Voluntary certification of recovery residences.—

17 ~~(6) All owners, directors, and chief financial officers of~~  
18 ~~an applicant recovery residence are subject to level 2~~  
19 ~~background screening as provided under s. 408.809 and chapter~~  
20 ~~435. A recovery residence is ineligible for certification, and a~~  
21 ~~credentialing entity shall deny a recovery residence's~~  
22 ~~application, if any owner, director, or chief financial officer~~  
23 ~~has been found guilty of, or has entered a plea of guilty or~~  
24 ~~nolo contendere to, regardless of adjudication, any offense~~  
25 ~~listed in s. 408.809(4) or s. 435.04(2) unless the department~~  
26 ~~has issued an exemption under s. 397.4073 or s. 397.4872. In~~  
27 ~~accordance with s. 435.04, the department shall notify the~~  
28 ~~credentialing agency of an owner's, director's, or chief~~  
29 ~~financial officer's eligibility based on the results of his or~~  
30 ~~her background screening.~~

31 Section 3. Section 397.4872, Florida Statutes, is amended  
32 to read:

33 397.4872 ~~Exemption from disqualification;~~ Publication.—

34 ~~(1) Individual exemptions to staff disqualification or~~  
35 ~~administrator ineligibility may be requested if a recovery~~  
36 ~~residence deems the decision will benefit the program. Requests~~  
37 ~~for exemptions must be submitted in writing to the department~~  
38 ~~within 20 days after the denial by the credentialing entity and~~  
39 ~~must include a justification for the exemption.~~



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40           ~~(2) The department may exempt a person from ss. 397.487(6)~~  
41 ~~and 397.4871(5) if it has been at least 3 years since the person~~  
42 ~~has completed or been lawfully released from confinement,~~  
43 ~~supervision, or sanction for the disqualifying offense. An~~  
44 ~~exemption from the disqualifying offenses may not be given under~~  
45 ~~any circumstances for any person who is a:~~

46           ~~(a) Sexual predator pursuant to s. 775.21;~~

47           ~~(b) Career offender pursuant to s. 775.261; or~~

48           ~~(c) Sexual offender pursuant to s. 943.0435, unless the~~  
49 ~~requirement to register as a sexual offender has been removed~~  
50 ~~pursuant to s. 943.04354.~~

51           ~~(3)~~ By April 1, 2016, each credentialing entity shall  
52 submit a list to the department of all recovery residences and  
53 recovery residence administrators certified by the credentialing  
54 entity that hold a valid certificate of compliance. Thereafter,  
55 the credentialing entity must notify the department within 3  
56 business days after a new recovery residence or recovery  
57 residence administrator is certified or a recovery residence or  
58 recovery residence administrator's certificate expires or is  
59 terminated. The department shall publish on its website a list  
60 of all recovery residences that hold a valid certificate of  
61 compliance. The department shall also publish on its website a  
62 list of all recovery residence administrators who hold a valid  
63 certificate of compliance. A recovery residence or recovery  
64 residence administrator shall be excluded from the list upon  
65 written request to the department by the listed individual or  
66 entity.

67           Section 4. Present subsections (4), (5), and (6) of section  
68 397.4873, Florida Statutes, are redesignated as subsections (5),



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69 (6), and (7), respectively, a new subsection (4) is added to  
70 that section, and subsection (1) of that section is republished,  
71 to read:

72 397.4873 Referrals to or from recovery residences;  
73 prohibitions; penalties.-

74 (1) A service provider licensed under this part may not  
75 make a referral of a prospective, current, or discharged patient  
76 to, or accept a referral of such a patient from, a recovery  
77 residence unless the recovery residence holds a valid  
78 certificate of compliance as provided in s. 397.487 and is  
79 actively managed by a certified recovery residence administrator  
80 as provided in s. 397.4871.

81 (4) In addition to any other punishment provided by law,  
82 any person who willfully and knowingly violates subsection (1)  
83 commits a misdemeanor of the first degree, punishable as  
84 provided in s. 775.082 or s. 775.083.

85 Section 5. Paragraph (a) of subsection (3) of section  
86 817.505, Florida Statutes, is amended to read:

87 817.505 Patient brokering prohibited; exceptions;  
88 penalties.-

89 (3) This section shall not apply to the following payment  
90 practices:

91 (a) Any discount, payment, waiver of payment, or payment  
92 practice not prohibited ~~expressly authorized~~ by 42 U.S.C. s.  
93 1320a-7b(b) ~~42 U.S.C. s. 1320a-7b(b)(3)~~ or regulations  
94 promulgated ~~adopted~~ thereunder, regardless of whether such  
95 discount, payment, waiver of payment, or payment practice  
96 involves items or services for which payment may be made in  
97 whole or in part under federal health care programs as defined



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98 in 42 U.S.C. s. 1320a-7b(f), as that definition exists on July  
99 1, 2020.

100 Section 6. Subsection (5) of section 397.4871, Florida  
101 Statutes, is amended to read:

102 397.4871 Recovery residence administrator certification.—

103 (5) All applicants are subject to level 2 background  
104 screening as provided under chapter 435. An applicant is  
105 ineligible, and a credentialing entity shall deny the  
106 application, if the applicant has been found guilty of, or has  
107 entered a plea of guilty or nolo contendere to, regardless of  
108 adjudication, any offense listed in s. 408.809 or s. 435.04(2)  
109 unless the department has issued an exemption under s. 397.4073  
110 or s. 435.07 ~~s. 397.4872~~. In accordance with s. 435.04, the  
111 department shall notify the credentialing agency of the  
112 applicant's eligibility based on the results of his or her  
113 background screening.

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

116 435.07 Exemptions from disqualification.—Unless otherwise  
117 provided by law, the provisions of this section apply to  
118 exemptions from disqualification for disqualifying offenses  
119 revealed pursuant to background screenings required under this  
120 chapter, regardless of whether those disqualifying offenses are  
121 listed in this chapter or other laws.

122 (2) Persons employed, or applicants for employment, by  
123 treatment providers who treat adolescents 13 years of age and  
124 older who are disqualified from employment solely because of  
125 crimes under s. 796.07(2)(e), s. 810.02(4), s. 812.014(2)(c), s.  
126 817.563, s. 831.01, s. 831.02, s. 893.13, or s. 893.147, or any



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127 related criminal attempt, solicitation, or conspiracy under s.  
128 777.04, shall ~~may~~ be exempted from disqualification from  
129 employment pursuant to this chapter, provided that 5 years or  
130 more, or, in the case of a certified peer specialist pursuant to  
131 s. 397.417, 3 years or more, have elapsed since the applicant  
132 for an exemption from disqualification has completed or has been  
133 lawfully released from confinement, supervision, or a  
134 nonmonetary condition imposed by a court for the applicant's  
135 most recent disqualifying offense under this subsection and the  
136 applicant for exemption has not been arrested for any criminal  
137 offense within the past 3 years ~~without application of the~~  
138 ~~waiting period in subparagraph (1)(a)1.~~

139  
140 ===== T I T L E A M E N D M E N T =====

141 And the title is amended as follows:

142 Delete line 9  
143 and insert:

144 abuse service provider personnel; revising eligibility  
145 for exemption from disqualification from employment  
146 for such personnel; amending s. 397.487,