

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1 Committee/Subcommittee hearing bill: Health & Human Services
2 Committee

3 Representative Caruso offered the following:

4
5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Paragraph (b) of subsection (4) of section
8 397.4073, Florida Statutes, is amended to read:

9 397.4073 Background checks of service provider personnel.—

10 (4) EXEMPTIONS FROM DISQUALIFICATION.—

11 (b) ~~Since rehabilitated substance abuse impaired persons~~
12 ~~are effective in the successful treatment and rehabilitation of~~
13 ~~individuals with substance use disorders,~~

14 1. For service providers which treat adolescents 13 years
15 of age and older, service provider personnel whose background
16 checks indicate crimes under s. 796.07(2)(e), s. 810.02(4), s.

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17 812.014(2)(c), s. 817.563, s. 831.01, s. 831.02, s. 893.13, or
18 s. 893.147, and any related criminal attempt, solicitation, or
19 conspiracy under s. 777.04:~~—~~

20 1. Shall ~~may~~ be exempted from disqualification from
21 employment for these offenses pursuant to this paragraph if:

22 a. At least 5 years, or at least 3 years in the case of an
23 individual seeking certification as a peer specialist under s.
24 397.417, have elapsed since the applicant for an exemption has
25 completed or has been lawfully released from any confinement,
26 supervision, or nonmonetary condition imposed by a court for the
27 applicant's most recent disqualifying offense under this
28 paragraph.

29 b. The applicant for an exemption has not been arrested for
30 any offense during the 5 years, or 3 years in the case of a peer
31 specialist, prior to the request for exemption.

32 2. May be exempted from disqualification from employment
33 for such offenses without a waiting period under s. 435.07(2).

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

36 397.487 Voluntary certification of recovery residences.—

37 (6) All owners, directors, and chief financial officers of
38 an applicant recovery residence are subject to level 2
39 background screening as provided under s. 408.809 and chapter
40 435. A recovery residence is ineligible for certification, and a
41 credentialing entity shall deny a recovery residence's

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42 application, if any owner, director, or chief financial officer
43 has been found guilty of, or has entered a plea of guilty or
44 nolo contendere to, regardless of adjudication, any offense
45 listed in s. 408.809(4) or s. 435.04(2) unless the department
46 has issued an exemption under s. 435.07 ~~s. 397.4073 or s.~~
47 ~~397.4872~~. In accordance with s. 435.04, the department shall
48 notify the credentialing agency of an owner's, director's, or
49 chief financial officer's eligibility based on the results of
50 his or her background screening.

51 Section 3. Subsection (5) of section 397.4871, Florida
52 Statutes, is amended to read:

53 397.4871 Recovery residence administrator certification.—

54 (5) All applicants are subject to level 2 background
55 screening as provided under chapter 435. An applicant is
56 ineligible, and a credentialing entity shall deny the
57 application, if the applicant has been found guilty of, or has
58 entered a plea of guilty or nolo contendere to, regardless of
59 adjudication, any offense listed in s. 408.809 or s. 435.04(2)
60 unless the department has issued an exemption under ~~s. 397.4872~~
61 s. 435.07. In accordance with s. 435.04, the department shall
62 notify the credentialing agency of the applicant's eligibility
63 based on the results of his or her background screening.

64 Section 4. Subsections (2) and (3) of section 397.4872,
65 Florida Statutes, are amended to read:

66 397.4872 Exemption from disqualification; publication.—

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

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

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

75 ~~(c) Sexual offender pursuant to s. 943.0435, unless the~~
76 ~~requirement to register as a sexual offender has been removed~~
77 ~~pursuant to s. 943.04354.~~

78 ~~(2)(3) By April 1, 2016, each credentialing entity shall~~
79 ~~submit a list to the department of all recovery residences and~~
80 ~~recovery residence administrators certified by the credentialing~~
81 ~~entity that hold a valid certificate of compliance. Thereafter,~~
82 ~~The credentialing entity must notify the department within 3~~
83 ~~business days after a new recovery residence or recovery~~
84 ~~residence administrator is certified or a recovery residence or~~
85 ~~recovery residence administrator's certificate expires or is~~
86 ~~terminated. The department shall publish on its website a list~~
87 ~~of all recovery residences that hold a valid certificate of~~
88 ~~compliance. The department shall also publish on its website a~~
89 ~~list of all recovery residence administrators who hold a valid~~
90 ~~certificate of compliance. A recovery residence or recovery~~
91 ~~residence administrator shall be excluded from the list upon~~

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92 written request to the department by the listed individual or
93 entity.

94 Section 5. Paragraph (a) of subsection (3) of section
95 817.505, Florida Statutes, is amended to read:

96 817.505 Patient brokering prohibited; exceptions;
97 penalties.—

98 (3) This section shall not apply to the following payment
99 practices:

100 (a) Any discount, payment, waiver of payment, or payment
101 practice not prohibited ~~expressly authorized~~ by 42 U.S.C. s.
102 1320a-7b(b) ~~42 U.S.C. s. 1320a-7b(b)(3)~~ or regulations
103 promulgated ~~adopted~~ thereunder.

104 Section 6. This act shall take effect July 1, 2020.

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106

107

T I T L E A M E N D M E N T

108

Remove everything before the enacting clause and insert:

109

An act relating to substance abuse services; amending s.

110

397.4073, F.S.; requiring, rather than authorizing, an exemption

111

from disqualification from employment for certain substance

112

abuse service provider personnel under certain circumstances;

113

amending s. 397.487, F.S.; revising a cross-reference; amending

114

s. 397.4871, F.S.; revising a cross-reference; amending s.

115

397.4872, F.S.; removing the authority of the Department of

116

Children and Families to grant exemptions from disqualification

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 649 (2020)

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117 | to certain individuals under certain circumstances under chapter
118 | 397; removing obsolete language; amending s. 817.505, F.S.;
119 | revising provisions relating to payment practices exempt from
120 | prohibitions on patient brokering; providing an effective date.