



388896

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/27/2022	.	
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The Committee on Appropriations (Rouson) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Paragraph (1) of subsection (2) and subsection (3) of section 394.4573, Florida Statutes, are amended to read:

394.4573 Coordinated system of care; annual assessment; essential elements; measures of performance; system improvement grants; reports.—On or before December 1 of each year, the department shall submit to the Governor, the President of the



388896

11 Senate, and the Speaker of the House of Representatives an
12 assessment of the behavioral health services in this state. The
13 assessment shall consider, at a minimum, the extent to which
14 designated receiving systems function as no-wrong-door models,
15 the availability of treatment and recovery services that use
16 recovery-oriented and peer-involved approaches, the availability
17 of less-restrictive services, and the use of evidence-informed
18 practices. The assessment shall also consider the availability
19 of and access to coordinated specialty care programs and
20 identify any gaps in the availability of and access to such
21 programs in the state. The department's assessment shall
22 consider, at a minimum, the needs assessments conducted by the
23 managing entities pursuant to s. 394.9082(5). Beginning in 2017,
24 the department shall compile and include in the report all plans
25 submitted by managing entities pursuant to s. 394.9082(8) and
26 the department's evaluation of each plan.

27 (2) The essential elements of a coordinated system of care
28 include:

29 (1) Recovery support, including, but not limited to, the
30 use of peer specialists to assist in the individual's recovery
31 from a substance use disorder or mental illness; support for
32 competitive employment, educational attainment, independent
33 living skills development, family support and education,
34 wellness management, and self-care; r and assistance in obtaining
35 housing that meets the individual's needs. Such housing may
36 include mental health residential treatment facilities, limited
37 mental health assisted living facilities, adult family care
38 homes, and supportive housing. Housing provided using state
39 funds must provide a safe and decent environment free from abuse



388896

40 and neglect.

41 (3) ~~SYSTEM IMPROVEMENT GRANTS.~~ Subject to a specific
42 appropriation by the Legislature, the department may award
43 system improvement grants to managing entities based on a
44 detailed plan to enhance services in accordance with the no-
45 wrong-door model as defined in subsection (1) and to address
46 specific needs identified in the assessment prepared by the
47 department pursuant to this section. Such a grant must be
48 awarded through a performance-based contract that links payments
49 to the documented and measurable achievement of system
50 improvements.

51 Section 2. Paragraphs (a) and (g) of subsection (1) of
52 section 397.4073, Florida Statutes, are amended to read:

53 397.4073 Background checks of service provider personnel.—

54 (1) PERSONNEL BACKGROUND CHECKS; REQUIREMENTS AND
55 EXCEPTIONS.—

56 (a) For all individuals screened on or after July 1, 2022
57 ~~2019~~, background checks shall apply as follows:

58 1. All owners, directors, chief financial officers, and
59 clinical supervisors of service providers are subject to level 2
60 background screening as provided under s. 408.809 and chapter
61 435. Inmate substance abuse programs operated directly or under
62 contract with the Department of Corrections are exempt from this
63 requirement.

64 2. All service provider personnel who have direct contact
65 with children receiving services or with adults who are
66 developmentally disabled receiving services are subject to level
67 2 background screening as provided under s. 408.809 and chapter
68 435.



388896

69 3. All peer specialists who have direct contact with
70 individuals receiving services are subject to a background
71 screening as provided in s. 397.417(4) ~~level 2 background~~
72 ~~screening as provided under s. 408.809 and chapter 435.~~

73 (g) If 5 years or more, or 3 years or more in the case of a
74 certified peer specialist or an individual seeking certification
75 as a peer specialist pursuant to s. 397.417, have elapsed since
76 an applicant for an exemption from disqualification has
77 completed or has been lawfully released from confinement,
78 supervision, or a nonmonetary condition imposed by a court for
79 the applicant's most recent disqualifying offense, the applicant
80 may work with adults with substance use disorders, mental health
81 disorders, or co-occurring disorders under the supervision of
82 persons who meet all personnel requirements of this chapter for
83 up to 180 ~~90~~ days after being notified of his or her
84 disqualification or until the department makes a final
85 determination regarding his or her request for an exemption from
86 disqualification, whichever is earlier.

87 Section 3. Section 397.417, Florida Statutes, is amended to
88 read:

89 397.417 Peer specialists.—

90 (1) LEGISLATIVE FINDINGS AND INTENT.—

91 (a) The Legislature finds that:

92 1. The ability to provide adequate behavioral health
93 services is limited by a shortage of professionals and
94 paraprofessionals.

95 2. The state is experiencing an increase in opioid
96 addictions, many of which prove fatal.

97 3. Peer specialists provide effective support services



388896

98 because they share common life experiences with the persons they
99 assist.

100 4. Peer specialists promote a sense of community among
101 those in recovery.

102 5. Research has shown that peer support facilitates
103 recovery and reduces health care costs.

104 6. Persons who are otherwise qualified to serve as peer
105 specialists may have a criminal history that prevents them from
106 meeting background screening requirements.

107 (b) The Legislature intends to expand the use of peer
108 specialists as a cost-effective means of providing services. The
109 Legislature also intends to ensure that peer specialists meet
110 specified qualifications and modified background screening
111 requirements and are adequately reimbursed for their services.

112 (2) QUALIFICATIONS.—A person may seek certification as a
113 peer specialist if he or she has been in recovery from a
114 substance use disorder or mental illness for the past 2 years or
115 if he or she is a family member or caregiver of a person with a
116 substance use disorder or mental illness.

117 (3) DUTIES OF THE DEPARTMENT.—

118 (a) The department shall designate a managing entity with
119 an existing certified recovery peer specialist training program
120 to provide training for persons seeking certification as peer
121 specialists. The managing entity must give preference to
122 trainers who are certified peer specialists. The training
123 program must coincide with a competency exam and be based on
124 current practice standards.

125 (b) The department shall approve one or more third-party
126 credentialing entities for the purposes of certifying peer



388896

127 specialists, approving training programs for individuals seeking
128 certification as peer specialists, approving continuing
129 education programs, and establishing the minimum requirements
130 and standards that applicants must achieve to maintain
131 certification. To obtain approval, the third-party credentialing
132 entity must demonstrate compliance with nationally recognized
133 standards for developing and administering professional
134 certification programs to certify peer specialists.

135 (c) The department must ensure that background screening
136 required for achieving certification be conducted as provided in
137 subsection (4) and may not be conducted by third-party
138 credentialing entities.

139 (d) The department shall require that a peer specialist
140 providing recovery support services be certified; however, an
141 individual who is not certified may provide recovery support
142 services as a peer specialist for up to 1 year if he or she is
143 working toward certification and is supervised by a qualified
144 professional or by a certified peer specialist who has at least
145 2 years of full-time experience as a peer specialist at a
146 licensed behavioral health organization.

147 (4) BACKGROUND SCREENING.—

148 (a) A peer specialist, or an individual who is working
149 toward certification and providing recovery support services as
150 provided in subsection (3), must have completed or have been
151 lawfully released from confinement, supervision, or any
152 nonmonetary condition imposed by the court for any felony and
153 must undergo a background screening as a condition of initial
154 and continued employment. The applicant must submit a full set
155 of fingerprints to the department or to a vendor, an entity, or



388896

156 an agency that enters into an agreement with the Department of
157 Law Enforcement as provided in s. 943.053(13). The department,
158 vendor, entity, or agency shall forward the fingerprints to the
159 Department of Law Enforcement for state processing and the
160 Department of Law Enforcement shall forward the fingerprints to
161 the Federal Bureau of Investigation for national processing. The
162 department shall screen the results to determine if a peer
163 specialist meets certification requirements. The applicant is
164 responsible for all fees charged in connection with state and
165 federal fingerprint processing and retention. The state cost for
166 fingerprint processing shall be as provided in s. 943.053(3) (e)
167 for records provided to persons or entities other than those
168 specified as exceptions therein. Fingerprints submitted to the
169 Department of Law Enforcement pursuant to this paragraph shall
170 be retained as provided in s. 435.12 and, when the Department of
171 Law Enforcement begins participation in the program, enrolled in
172 the Federal Bureau of Investigation's national retained
173 fingerprint arrest notification program, as provided in s.
174 943.05(4). Any arrest record identified must be reported to the
175 department.

176 (b) The department or the Agency for Health Care
177 Administration, as applicable, may contract with one or more
178 vendors to perform all or part of the electronic fingerprinting
179 pursuant to this section. Such contracts must ensure that the
180 owners and personnel of the vendor performing the electronic
181 fingerprinting are qualified and will ensure the integrity and
182 security of all personal identifying information.

183 (c) Vendors who submit fingerprints on behalf of employers
184 must:



388896

185 1. Meet the requirements of s. 943.053; and
186 2. Have the ability to communicate electronically with the
187 state agency accepting screening results from the Department of
188 Law Enforcement and provide the applicant's full first name,
189 middle initial, and last name; social security number or
190 individual taxpayer identification number; date of birth;
191 mailing address; sex; and race.

192 (d) The background screening conducted under this
193 subsection must ensure that a peer specialist has not, during
194 the previous 3 years, been arrested for and is awaiting final
195 disposition of, been found guilty of, regardless of
196 adjudication, or entered a plea of nolo contendere or guilty to,
197 or been adjudicated delinquent and the record has not been
198 sealed or expunged for, any felony.

199 (e) The background screening conducted under this
200 subsection must ensure that a peer specialist has not been
201 arrested for and is awaiting final disposition of, found guilty
202 of, regardless of adjudication, or entered a plea of nolo
203 contendere or guilty to, or been adjudicated delinquent and the
204 record has not been sealed or expunged for, any offense
205 prohibited under any of the following state laws or similar laws
206 of another jurisdiction:

207 1. Section 393.135, relating to sexual misconduct with
208 certain developmentally disabled clients and reporting of such
209 sexual misconduct.

210 2. Section 394.4593, relating to sexual misconduct with
211 certain mental health patients and reporting of such sexual
212 misconduct.

213 3. Section 409.920, relating to Medicaid provider fraud, if



388896

214 the offense was a felony of the first or second degree.
215 4. Section 415.111, relating to abuse, neglect, or
216 exploitation of vulnerable adults.
217 5. Any offense that constitutes domestic violence as
218 defined in s. 741.28.
219 6. Section 777.04, relating to attempts, solicitation, and
220 conspiracy to commit an offense listed in this paragraph.
221 7. Section 782.04, relating to murder.
222 8. Section 782.07, relating to manslaughter, aggravated
223 manslaughter of an elderly person or a disabled adult,
224 aggravated manslaughter of a child, or aggravated manslaughter
225 of an officer, a firefighter, an emergency medical technician,
226 or a paramedic.
227 9. Section 782.071, relating to vehicular homicide.
228 10. Section 782.09, relating to killing an unborn child by
229 injury to the mother.
230 11. Chapter 784, relating to assault, battery, and culpable
231 negligence, if the offense was a felony.
232 12. Section 787.01, relating to kidnapping.
233 13. Section 787.02, relating to false imprisonment.
234 14. Section 787.025, relating to luring or enticing a
235 child.
236 15. Section 787.04(2), relating to leading, taking,
237 enticing, or removing a minor beyond state limits, or concealing
238 the location of a minor, with criminal intent pending custody
239 proceedings.
240 16. Section 787.04(3), relating to leading, taking,
241 enticing, or removing a minor beyond state limits, or concealing
242 the location of a minor, with criminal intent pending dependency



388896

243 proceedings or proceedings concerning alleged abuse or neglect
244 of a minor.

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

247 18. Section 790.115(2) (b), relating to possessing an
248 electric weapon or device, a destructive device, or any other
249 weapon on school property.

250 19. Section 794.011, relating to sexual battery.

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

253 21. Section 794.05, relating to unlawful sexual activity
254 with certain minors.

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

256 23. Section 796.07, relating to procuring another to commit
257 prostitution, except for those offenses expunged pursuant to s.
258 943.0583.

259 24. Section 798.02, relating to lewd and lascivious
260 behavior.

261 25. Chapter 800, relating to lewdness and indecent
262 exposure.

263 26. Section 806.01, relating to arson.

264 27. Section 810.02, relating to burglary, if the offense
265 was a felony of the first degree.

266 28. Section 810.14, relating to voyeurism, if the offense
267 was a felony.

268 29. Section 810.145, relating to video voyeurism, if the
269 offense was a felony.

270 30. Section 812.13, relating to robbery.

271 31. Section 812.131, relating to robbery by sudden



388896

272 snatching.
273 32. Section 812.133, relating to carjacking.
274 33. Section 812.135, relating to home-invasion robbery.
275 34. Section 817.034, relating to communications fraud, if
276 the offense was a felony of the first degree.
277 35. Section 817.234, relating to false and fraudulent
278 insurance claims, if the offense was a felony of the first or
279 second degree.
280 36. Section 817.50, relating to fraudulently obtaining
281 goods or services from a health care provider and false reports
282 of a communicable disease.
283 37. Section 817.505, relating to patient brokering.
284 38. Section 817.568, relating to fraudulent use of personal
285 identification, if the offense was a felony of the first or
286 second degree.
287 39. Section 825.102, relating to abuse, aggravated abuse,
288 or neglect of an elderly person or a disabled adult.
289 40. Section 825.1025, relating to lewd or lascivious
290 offenses committed upon or in the presence of an elderly person
291 or a disabled person.
292 41. Section 825.103, relating to exploitation of an elderly
293 person or a disabled adult, if the offense was a felony.
294 42. Section 826.04, relating to incest.
295 43. Section 827.03, relating to child abuse, aggravated
296 child abuse, or neglect of a child.
297 44. Section 827.04, relating to contributing to the
298 delinquency or dependency of a child.
299 45. Former s. 827.05, relating to negligent treatment of
300 children.



388896

- 301 46. Section 827.071, relating to sexual performance by a
302 child.
- 303 47. Section 831.30, relating to fraud in obtaining
304 medicinal drugs.
- 305 48. Section 831.31, relating to the sale, manufacture,
306 delivery, or possession with intent to sell, manufacture, or
307 deliver of any counterfeit controlled substance, if the offense
308 was a felony.
- 309 49. Section 843.01, relating to resisting arrest with
310 violence.
- 311 50. Section 843.025, relating to depriving a law
312 enforcement, correctional, or correctional probation officer of
313 the means of protection or communication.
- 314 51. Section 843.12, relating to aiding in an escape.
- 315 52. Section 843.13, relating to aiding in the escape of
316 juvenile inmates of correctional institutions.
- 317 53. Chapter 847, relating to obscenity.
- 318 54. Section 874.05, relating to encouraging or recruiting
319 another to join a criminal gang.
- 320 55. Chapter 893, relating to drug abuse prevention and
321 control, if the offense was a felony of the second degree or
322 greater severity.
- 323 56. Section 895.03, relating to racketeering and collection
324 of unlawful debts.
- 325 57. Section 896.101, relating to the Florida Money
326 Laundering Act.
- 327 58. Section 916.1075, relating to sexual misconduct with
328 certain forensic clients and reporting of such sexual
329 misconduct.



388896

330 59. Section 944.35(3), relating to inflicting cruel or
331 inhuman treatment on an inmate resulting in great bodily harm.

332 60. Section 944.40, relating to escape.

333 61. Section 944.46, relating to harboring, concealing, or
334 aiding an escaped prisoner.

335 62. Section 944.47, relating to introduction of contraband
336 into a correctional institution.

337 63. Section 985.701, relating to sexual misconduct in
338 juvenile justice programs.

339 64. Section 985.711, relating to introduction of contraband
340 into a detention facility.

341 (4) EXEMPTION REQUESTS.—A person who wishes to become a
342 peer specialist and is disqualified under subsection (4) may
343 request an exemption from disqualification pursuant to s. 435.07
344 from the department or the Agency for Health Care
345 Administration, as applicable.

346 (5) GRANDFATHER CLAUSE.—A peer specialist certified as of
347 July 1, 2022, is deemed to satisfy the requirements of this
348 section, however such peer specialists must comply with the
349 minimum standards and requirements needed to maintain
350 certification established pursuant to subsection (3).

351 ~~(1) An individual may seek certification as a peer~~
352 ~~specialist if he or she has been in recovery from a substance~~
353 ~~use disorder or mental illness for at least 2 years, or if he or~~
354 ~~she has at least 2 years of experience as a family member or~~
355 ~~caregiver of a person with a substance use disorder or mental~~
356 ~~illness.~~

357 ~~(2) The department shall approve one or more third-party~~
358 ~~credentialing entities for the purposes of certifying peer~~



388896

359 ~~specialists, approving training programs for individuals seeking~~
360 ~~certification as peer specialists, approving continuing~~
361 ~~education programs, and establishing the minimum requirements~~
362 ~~and standards that applicants must achieve to maintain~~
363 ~~certification. To obtain approval, the third-party credentialing~~
364 ~~entity must demonstrate compliance with nationally recognized~~
365 ~~standards for developing and administering professional~~
366 ~~certification programs to certify peer specialists.~~

367 ~~(3) An individual providing department-funded recovery~~
368 ~~support services as a peer specialist shall be certified~~
369 ~~pursuant to subsection (2). An individual who is not certified~~
370 ~~may provide recovery support services as a peer specialist for~~
371 ~~up to 1 year if he or she is working toward certification and is~~
372 ~~supervised by a qualified professional or by a certified peer~~
373 ~~specialist who has at least 3 years of full-time experience as a~~
374 ~~peer specialist at a licensed behavioral health organization.~~

375 Section 4. This act shall take effect July 1, 2022.

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

377 And the title is amended as follows:

378 Delete everything before the enacting clause
379 and insert:

380 A bill to be entitled
381 An act relating to mental health and substance use
382 disorders; amending s. 394.4573, F.S.; providing that
383 the use of peer specialists is an essential element of
384 a coordinated system of care in recovery from a
385 substance use disorder or mental illness; making a
386 technical change; amending s. 397.4073, F.S.; revising
387 background screening requirements for certain peer



388896

388 specialists; revising authorizations relating to work
389 by applicants who have committed disqualifying
390 offenses; making a technical change; amending s.
391 397.417, F.S.; providing legislative findings and
392 intent; revising requirements for certification as a
393 peer specialist; providing qualifications for becoming
394 a peer specialist; requiring the department to
395 designate a managing entity with an existing certified
396 recovery peer specialist training program to provide
397 training for peer specialists and to give preference
398 to trainers who are certified peer specialists;
399 requiring the training program to coincide with a
400 competency exam and be based on current practice
401 standards; requiring the department to approve one or
402 more third-party credentialing entities for certain
403 purposes; requiring third-party credentialing entities
404 to meet certain requirements for approval; prohibiting
405 third-party credentialing entities from conducting
406 background screenings for peer specialists; requiring
407 that a person providing recovery support services be
408 certified or be supervised by a licensed behavioral
409 health care professional or a certain certified peer
410 specialist; requiring peer specialists and certain
411 persons to meet the requirements of a background
412 screening as a condition of employment and continued
413 employment; requiring certain entities to forward
414 fingerprints to specified entities; requiring the
415 department to screen results to determine if the peer
416 specialist meets the certification requirements;



388896

417 requiring that fees for state and federal fingerprint
418 processing be borne by the peer specialist applying
419 for employment; requiring that any arrest record
420 identified through background screening be reported to
421 the department; authorizing the department or the
422 Agency for Health Care Administration to contract with
423 certain vendors for fingerprinting; specifying
424 requirements for vendors; specifying disqualifying
425 offenses for a peer specialist who applies for
426 certification; authorizing a person who does not meet
427 background screening requirements to request an
428 exemption from disqualification from the department or
429 the agency; providing that a peer specialist certified
430 as of the effective date of the act is deemed to
431 satisfy the requirements of the act; providing an
432 effective date.