

By the Committee on Children, Families, and Elder Affairs; and
Senator Clemens

586-01708-15

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1 A bill to be entitled
2 An act relating to substance abuse services; amending
3 s. 397.311, F.S.; providing definitions; conforming a
4 cross-reference; creating s. 397.487, F.S.; providing
5 legislative findings and intent; requiring the
6 Department of Children and Families to create a
7 voluntary certification program for recovery
8 residences; directing the department to approve at
9 least one credentialing entity by a specified date to
10 develop and administer the certification program;
11 requiring an approved credentialing entity to
12 establish procedures for certifying recovery
13 residences that meet certain qualifications; requiring
14 an approved credentialing entity to establish certain
15 fees; requiring a credentialing entity to conduct
16 onsite inspections of a recovery residence; requiring
17 background screening of owners, directors, and chief
18 financial officers of a recovery residence; providing
19 for denial, suspension, or revocation of
20 certification; providing a criminal penalty for
21 falsely advertising a recovery residence as a
22 "certified recovery residence"; creating s. 397.4871,
23 F.S.; providing legislative intent; requiring the
24 department to create a voluntary certification program
25 for recovery residence administrators; directing the
26 department to approve at least one credentialing
27 entity by a specified date to develop and administer
28 the certification program; requiring an approved
29 credentialing entity to establish a process for

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30 certifying recovery residence administrators who meet
31 certain qualifications; requiring an approved
32 credentialing entity to establish certain fees;
33 requiring background screening of applicants for
34 recovery residence administrator certification;
35 providing for denial, suspension, or revocation of
36 certification; providing a criminal penalty for
37 falsely advertising oneself as a "certified recovery
38 residence administrator"; creating s. 397.4872, F.S.;
39 providing exemptions from disqualifying offenses;
40 requiring credentialing entities to provide the
41 department with a list of all certified recovery
42 residences and recovery residence administrators by a
43 date certain; requiring the department to publish the
44 list on its website; allowing recovery residences and
45 recovery residence administrators to be excluded from
46 the list upon written request to the department;
47 amending s. 397.407, F.S.; conforming cross-
48 references; providing conditions for a licensed
49 service provider to refer patients to a certified
50 recovery residence or a recovery residence owned and
51 operated by the licensed service provider; defining
52 the term "refer"; amending ss. 212.055, 394.9085,
53 397.405, 397.416, and 440.102, F.S.; conforming cross-
54 references; providing an effective date.

55
56 Be It Enacted by the Legislature of the State of Florida:

57
58 Section 1. Present subsections (7) and (32) of section

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59 397.311, Florida Statutes, are amended, present subsections (4)
60 and (5), present subsections (6) through (28), and present
61 subsections (29) through (39) are renumbered as subsections (7)
62 and (8), subsections (10) through (32), and subsections (35)
63 through (45), respectively, new subsections (4), (5), (6), (9),
64 (33), and (34) are added to that section, to read:

65 397.311 Definitions.—As used in this chapter, except part
66 VIII, the term:

67 (4) "Certificate of compliance" means a certificate that is
68 issued by a credentialing entity to a recovery residence or a
69 recovery residence administrator.

70 (5) "Certified recovery residence" means a recovery
71 residence that holds a valid certificate of compliance or that
72 is actively managed by a certified recovery residence
73 administrator.

74 (6) "Certified recovery residence administrator" means a
75 recovery residence administrator who holds a valid certificate
76 of compliance.

77 (9) "Credentialing entity" means a nonprofit organization
78 that develops and administers professional, facility, or
79 organization certification programs according to applicable
80 nationally recognized certification or psychometric standards.

81 (11)~~(7)~~ "Director" means the chief administrative or
82 executive officer of a service provider or recovery residence.

83 (33) "Recovery residence" means a residential dwelling
84 unit, or other form of group housing, which is offered or
85 advertised through any means, including oral, written,
86 electronic, or printed means, by any person or entity as a
87 residence that provides a peer-supported, alcohol-free, and

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88 drug-free living environment.

89 (34) "Recovery residence administrator" means the person
90 responsible for the overall management of the recovery
91 residence, including, but not limited to, the supervision of
92 residents and staff employed by, or volunteering for, the
93 residence.

94 (38)~~(32)~~ "Service component" or "component" means a
95 discrete operational entity within a service provider which is
96 subject to licensing as defined by rule. Service components
97 include prevention, intervention, and clinical treatment
98 described in subsection (22) ~~(18)~~.

99 Section 2. Section 397.487, Florida Statutes, is created to
100 read:

101 397.487 Voluntary certification of recovery residences.-

102 (1) The Legislature finds that a person suffering from
103 addiction has a higher success rate of achieving long-lasting
104 sobriety when given the opportunity to build a stronger
105 foundation by living in a recovery residence after completing
106 treatment. The Legislature further finds that this state and its
107 subdivisions have a legitimate state interest in protecting
108 these persons, who represent a vulnerable consumer population in
109 need of adequate housing. It is the intent of the Legislature to
110 protect persons who reside in a recovery residence.

111 (2) The department shall approve at least one credentialing
112 entity by December 1, 2015, for the purpose of developing and
113 administering a voluntary certification program for recovery
114 residences. The approved credentialing entity shall:

115 (a) Establish recovery residence certification
116 requirements.

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- 117 (b) Establish procedures to:
118 1. Administer the application, certification,
119 recertification, and disciplinary processes.
120 2. Monitor and inspect a recovery residence and its staff
121 to ensure compliance with certification requirements.
122 3. Interview and evaluate residents, employees, and
123 volunteer staff on their knowledge and application of
124 certification requirements.
- 125 (c) Provide training for owners, managers, and staff.
126 (d) Develop a code of ethics.
127 (e) Establish application, inspection, and annual
128 certification renewal fees. The application fee may not exceed
129 \$100. Any onsite inspection fee shall reflect actual costs for
130 inspections. The annual certification renewal fee may not exceed
131 \$100.
- 132 (3) A credentialing entity shall require the recovery
133 residence to submit the following documents with the completed
134 application and fee:
- 135 (a) A policy and procedures manual containing:
136 1. Job descriptions for all staff positions.
137 2. Drug-testing procedures and requirements.
138 3. A prohibition on the premises against alcohol, illegal
139 drugs, and the use of prescribed medications by an individual
140 other than the individual for whom the medication is prescribed.
141 4. Policies to support a resident's recovery efforts.
142 5. A good neighbor policy to address neighborhood concerns
143 and complaints.
- 144 (b) Rules for residents.
145 (c) Copies of all forms provided to residents.

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- 146 (d) Intake procedures.
- 147 (e) Relapse policy.
- 148 (f) Fee schedule.
- 149 (g) Refund policy.
- 150 (h) Eviction procedures and policy.
- 151 (i) Code of ethics.
- 152 (j) Proof of insurance.
- 153 (k) Proof of background screening.
- 154 (l) Proof of satisfactory fire, safety, and health
- 155 inspections.
- 156 (4) Upon receiving a completed application and fee, a
- 157 credentialing entity shall conduct an onsite inspection of the
- 158 recovery residence.
- 159 (5) All owners, directors, and chief financial officers of
- 160 an applicant recovery residence are subject to level 2
- 161 background screening as provided under chapter 435. The
- 162 department shall notify the credentialing entity of the results
- 163 of the background screenings. A credentialing entity shall deny
- 164 a recovery residence's application if any owner, director, or
- 165 chief financial officer has been found guilty of, regardless of
- 166 adjudication, or has entered a plea of nolo contendere or guilty
- 167 to any offense listed in s. 435.04(2), unless the department has
- 168 issued an exemption under s. 397.4872.
- 169 (6) A credentialing entity shall issue a certificate of
- 170 compliance upon approval of the recovery residence's application
- 171 and inspection. The certification shall automatically terminate
- 172 1 year after issuance if not renewed.
- 173 (7) Onsite followup monitoring of any certified recovery
- 174 residence may be conducted by the credentialing entity to

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175 determine continuing compliance with certification requirements.
176 The credentialing entity shall inspect each certified recovery
177 residence at least annually to ensure compliance.

178 (a) A credentialing entity may suspend or revoke a
179 certificate of compliance if the recovery residence is not in
180 compliance with any provision of this section or has failed to
181 remedy any deficiency identified by the credentialing entity
182 within the time period specified.

183 (b) If any owner, director, or chief financial officer of a
184 certified recovery residence is arrested or found guilty of,
185 regardless of adjudication, or has entered a plea of nolo
186 contendere or guilty to any offense listed in s. 435.04(2),
187 while acting in that capacity, the certified recovery residence
188 shall immediately remove the person from that position and shall
189 notify the credentialing entity within 3 business days after
190 such removal. The credentialing entity shall revoke the
191 certificate of compliance of any recovery residence that fails
192 to meet these requirements.

193 (c) A credentialing entity shall revoke a recovery
194 residence's certificate of compliance if the recovery residence
195 provides false or misleading information to the credentialing
196 entity at any time.

197 (8) A person may not advertise to the public, in any way or
198 by any medium whatsoever, any recovery residence as a "certified
199 recovery residence" unless such recovery residence has first
200 secured a certificate of compliance under this section. A person
201 who violates this subsection commits a misdemeanor of the first
202 degree, punishable as provided in s. 775.082 or s. 775.083.

203 Section 3. Section 397.4871, Florida Statutes, is created

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204 to read:

205 397.4871 Recovery residence administrator certification.-

206 (1) It is the intent of the Legislature that a recovery
207 residence administrator voluntarily earn and maintain
208 certification from a credentialing entity approved by the
209 Department of Children and Families. The Legislature further
210 intends that certification ensure that an administrator has the
211 competencies necessary to appropriately respond to the needs of
212 residents, to maintain residence standards, and to meet
213 residence certification requirements.

214 (2) The department shall approve at least one credentialing
215 entity by December 1, 2015, for the purpose of developing and
216 administering a voluntary credentialing program for
217 administrators. The department shall approve any credentialing
218 entity that the department endorses pursuant to s. 397.321(16)
219 if the credentialing entity also meets the requirements of this
220 section. The approved credentialing entity shall:

221 (a) Establish recovery residence administrator core
222 competencies, certification requirements, testing instruments,
223 and recertification requirements according to nationally
224 recognized certification and psychometric standards.

225 (b) Establish a process to administer the certification
226 application, award, and maintenance processes.

227 (c) Develop and administer:

228 1. A code of ethics and disciplinary process.

229 2. Biennial continuing education requirements and annual
230 certification renewal requirements.

231 3. An education provider program to approve training
232 entities that are qualified to provide precertification training

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233 to applicants and continuing education opportunities to
234 certified persons.

235 (3) A credentialing entity shall establish a certification
236 program that:

237 (a) Is established according to nationally recognized
238 certification and psychometric standards.

239 (b) Is directly related to the core competencies.

240 (c) Establishes minimum requirements in each of the
241 following categories:

242 1. Training.

243 2. On-the-job work experience.

244 3. Supervision.

245 4. Testing.

246 5. Biennial continuing education.

247 (d) Requires adherence to a code of ethics and provides for
248 a disciplinary process that applies to certified persons.

249 (e) Approves qualified training entities that provide
250 precertification training to applicants and continuing education
251 to certified recovery residence administrators. To avoid a
252 conflict of interest, a credentialing entity or its affiliate
253 may not deliver training to an applicant or continuing education
254 to a certificateholder.

255 (4) A credentialing entity shall establish application,
256 examination, and certification fees and an annual certification
257 renewal fee. The application, examination, and certification
258 fees may not exceed \$225. The annual certification renewal fee
259 may not exceed \$100.

260 (5) All applicants are subject to level 2 background
261 screening as provided under chapter 435. The department shall

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262 notify the credentialing entity of the results of the background
263 screenings. A credentialing entity shall deny a person's
264 application if the applicant has been found guilty of,
265 regardless of adjudication, or has entered a plea of nolo
266 contendere or guilty to any offense listed in s. 435.04(2),
267 unless the department has issued an exemption under s. 397.4872.

268 (6) The credentialing entity shall issue a certificate of
269 compliance upon approval of a person's application. The
270 certification shall automatically terminate 1 year after
271 issuance if not renewed.

272 (a) A credentialing entity may suspend or revoke the
273 recovery residence administrator's certificate of compliance if
274 the recovery residence administrator fails to adhere to the
275 continuing education requirements.

276 (b) If a certified recovery residence administrator of a
277 recovery residence is arrested or found guilty of, regardless of
278 adjudication, or has entered a plea of nolo contendere or guilty
279 to any offense listed in s. 435.04(2), the recovery residence
280 shall immediately remove the recovery residence administrator
281 from that position and shall notify the credentialing entity
282 within 3 business days after such removal. The recovery
283 residence shall have 30 days to retain a certified recovery
284 residence administrator. The credentialing entity shall revoke
285 the certificate of compliance of any recovery residence which
286 fails to meet these requirements.

287 (c) A credentialing entity shall revoke a recovery
288 residence administrator's certificate of compliance if the
289 recovery residence administrator provides false or misleading
290 information to the credentialing entity at any time.

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291 (7) A person may not advertise himself or herself to the
292 public, in any way or by any medium whatsoever, as a "certified
293 recovery residence administrator" unless he or she has first
294 secured a certificate of compliance under this section. A person
295 who violates this subsection commits a misdemeanor of the first
296 degree, punishable as provided in s. 775.082 or s. 775.083.

297 (8) A certified recovery residence administrator may
298 qualify a recovery residence for referrals under s. 397.407(11)
299 if the certified recovery residence administrator:

300 (a) Registers with the credentialing entity the recovery
301 residence he or she intends to qualify. The registration shall
302 include:

303 1. The name and address of the recovery residence,
304 including the fictitious name, if any, under which the recovery
305 residence is doing business.

306 2. The name of the owners and any officers of the recovery
307 residence.

308 (b) Submits an affidavit attesting that he or she is
309 actively managing the recovery residence and that he or she is
310 not utilizing his or her recovery residence administrator's
311 certificate of compliance to qualify any additional recovery
312 residences under this subsection.

313 (9) A certified recovery residence administrator must
314 notify the credentialing entity within 3 business days after the
315 termination of the certified recovery residence administrator's
316 qualification of the recovery residence due to resignation or
317 any other reason.

318 (10) A certified recovery residence administrator may act
319 as a qualifying agent for only one recovery residence at any

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320 given time.

321 Section 4. Section 397.4872, Florida Statutes, is created
322 to read:

323 397.4872 Exemption from disqualification; publication.—

324 (1) Individual exemptions from staff disqualification or
325 administrator ineligibility may be requested if a recovery
326 residence deems the decision will benefit the program. Requests
327 for exemptions shall be submitted in writing to the department
328 and include a justification for the exemption.

329 (2) The department may exempt a person from ss. 397.487(5)
330 and 397.4871(5) if it has been at least 3 years since the person
331 has completed or been lawfully released from confinement,
332 supervision, or sanction for the disqualifying offense. An
333 exemption from the disqualifying offenses may not be given under
334 any circumstances for any person who is a:

335 (a) Sexual predator pursuant to s. 775.21;

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

337 (c) Sexual offender pursuant to s. 943.0435, unless the
338 requirement to register as a sexual offender has been removed
339 pursuant to s. 943.04354.

340 (3) By April 1, 2016, a credentialing entity shall submit a
341 list to the department of all recovery residences and recovery
342 residence administrators certified by the credentialing entity
343 which hold a valid certificate of compliance. Thereafter, the
344 credentialing entity must notify the department within 3
345 business days after a new recovery residence or recovery
346 residence administrator is certified or a recovery residence's
347 or recovery residence administrator's certificate expires or is
348 terminated. The department shall publish on its website a list

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349 of all recovery residences that hold a valid certificate of
350 compliance or that have been qualified pursuant to s.
351 397.4871(10). The department shall also publish on its website a
352 list of all recovery residence administrators that hold a valid
353 certificate of compliance. A recovery residence or recovery
354 residence administrator shall be excluded from the list if the
355 recovery residence administrator submits a written request to
356 the department.

357 Section 5. Subsections (1) and (5) of section 397.407,
358 Florida Statutes, are amended, and subsection (11) is added to
359 that section, to read:

360 397.407 Licensure process; fees.—

361 (1) The department shall establish by rule the licensure
362 process to include fees and categories of licenses. The rule
363 must prescribe a fee range that is based, at least in part, on
364 the number and complexity of programs listed in s. 397.311(22)
365 ~~397.311(18)~~ which are operated by a licensee. The fees from the
366 licensure of service components are sufficient to cover at least
367 50 percent of the costs of regulating the service components.
368 The department shall specify by rule a fee range for public and
369 privately funded licensed service providers. Fees for privately
370 funded licensed service providers must exceed the fees for
371 publicly funded licensed service providers. During adoption of
372 the rule governing the licensure process and fees, the
373 department shall carefully consider the potential adverse impact
374 on small, not-for-profit service providers.

375 (5) The department may issue probationary, regular, and
376 interim licenses. After adopting the rule governing the
377 licensure process and fees, the department shall issue one

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378 license for each service component that is operated by a service
379 provider and defined in rule pursuant to s. 397.311(22)
380 ~~397.311(18)~~. The license is valid only for the specific service
381 components listed for each specific location identified on the
382 license. The licensed service provider shall apply for a new
383 license at least 60 days before the addition of any service
384 components or 30 days before the relocation of any of its
385 service sites. Provision of service components or delivery of
386 services at a location not identified on the license may be
387 considered an unlicensed operation that authorizes the
388 department to seek an injunction against operation as provided
389 in s. 397.401, in addition to other sanctions authorized by s.
390 397.415. Probationary and regular licenses may be issued only
391 after all required information has been submitted. A license may
392 not be transferred. As used in this subsection, the term
393 "transfer" includes, but is not limited to, the transfer of a
394 majority of the ownership interest in the licensed entity or
395 transfer of responsibilities under the license to another entity
396 by contractual arrangement.

397 (11) Effective July 1, 2016, a service provider licensed
398 under this part may not refer a current or discharged patient to
399 a recovery residence unless the recovery residence holds a valid
400 certificate of compliance as provided in s. 397.487 or is
401 actively managed by a certified recovery residence administrator
402 as provided in s. 397.4871, or both, or is owned and operated by
403 a licensed service provider or a licensed service provider's
404 wholly owned subsidiary. For purposes of this subsection, the
405 term "refer" means to inform a patient by any means about the
406 name, address, or other details of the recovery residence.

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407 However, this subsection does not require a licensed service
408 provider to refer any patient to a recovery residence.

409 Section 6. Paragraph (e) of subsection (5) of section
410 212.055, Florida Statutes, is amended to read:

411 212.055 Discretionary sales surtaxes; legislative intent;
412 authorization and use of proceeds.—It is the legislative intent
413 that any authorization for imposition of a discretionary sales
414 surtax shall be published in the Florida Statutes as a
415 subsection of this section, irrespective of the duration of the
416 levy. Each enactment shall specify the types of counties
417 authorized to levy; the rate or rates which may be imposed; the
418 maximum length of time the surtax may be imposed, if any; the
419 procedure which must be followed to secure voter approval, if
420 required; the purpose for which the proceeds may be expended;
421 and such other requirements as the Legislature may provide.
422 Taxable transactions and administrative procedures shall be as
423 provided in s. 212.054.

424 (5) COUNTY PUBLIC HOSPITAL SURTAX.—Any county as defined in
425 s. 125.011(1) may levy the surtax authorized in this subsection
426 pursuant to an ordinance either approved by extraordinary vote
427 of the county commission or conditioned to take effect only upon
428 approval by a majority vote of the electors of the county voting
429 in a referendum. In a county as defined in s. 125.011(1), for
430 the purposes of this subsection, “county public general
431 hospital” means a general hospital as defined in s. 395.002
432 which is owned, operated, maintained, or governed by the county
433 or its agency, authority, or public health trust.

434 (e) A governing board, agency, or authority shall be
435 chartered by the county commission upon this act becoming law.

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

459 1. The plan shall divide the county into a minimum of four
460 and maximum of six service areas, with no more than one
461 participant hospital per service area. The county public general
462 hospital shall be designated as the provider for one of the
463 service areas. Services shall be provided through participants'
464 primary acute care facilities.

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465 2. The plan and subsequent amendments to it shall fund a
466 defined range of health care services for both indigent persons
467 and the medically poor, including primary care, preventive care,
468 hospital emergency room care, and hospital care necessary to
469 stabilize the patient. For the purposes of this section,
470 "stabilization" means stabilization as defined in s. 397.311(41)
471 ~~397.311(35)~~. Where consistent with these objectives, the plan
472 may include services rendered by physicians, clinics, community
473 hospitals, and alternative delivery sites, as well as at least
474 one regional referral hospital per service area. The plan shall
475 provide that agreements negotiated between the governing board,
476 agency, or authority and providers shall recognize hospitals
477 that render a disproportionate share of indigent care, provide
478 other incentives to promote the delivery of charity care to draw
479 down federal funds where appropriate, and require cost
480 containment, including, but not limited to, case management.
481 From the funds specified in subparagraphs (d)1. and 2. for
482 indigent health care services, service providers shall receive
483 reimbursement at a Medicaid rate to be determined by the
484 governing board, agency, or authority created pursuant to this
485 paragraph for the initial emergency room visit, and a per-member
486 per-month fee or capitation for those members enrolled in their
487 service area, as compensation for the services rendered
488 following the initial emergency visit. Except for provisions of
489 emergency services, upon determination of eligibility,
490 enrollment shall be deemed to have occurred at the time services
491 were rendered. The provisions for specific reimbursement of
492 emergency services shall be repealed on July 1, 2001, unless
493 otherwise reenacted by the Legislature. The capitation amount or

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494 rate shall be determined prior to program implementation by an
495 independent actuarial consultant. In no event shall such
496 reimbursement rates exceed the Medicaid rate. The plan must also
497 provide that any hospitals owned and operated by government
498 entities on or after the effective date of this act must, as a
499 condition of receiving funds under this subsection, afford
500 public access equal to that provided under s. 286.011 as to any
501 meeting of the governing board, agency, or authority the subject
502 of which is budgeting resources for the retention of charity
503 care, as that term is defined in the rules of the Agency for
504 Health Care Administration. The plan shall also include
505 innovative health care programs that provide cost-effective
506 alternatives to traditional methods of service and delivery
507 funding.

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

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

516 5. At the end of each fiscal year, the governing board,
517 agency, or authority shall prepare an audit that reviews the
518 budget of the plan, delivery of services, and quality of
519 services, and makes recommendations to increase the plan's
520 efficiency. The audit shall take into account participant
521 hospital satisfaction with the plan and assess the amount of
522 poststabilization patient transfers requested, and accepted or

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523 denied, by the county public general hospital.

524 Section 7. Subsection (6) of section 394.9085, Florida
525 Statutes, is amended to read:

526 394.9085 Behavioral provider liability.—

527 (6) For purposes of this section, the terms “detoxification
528 services,” “addictions receiving facility,” and “receiving
529 facility” have the same meanings as those provided in ss.

530 397.311(22)(a)4. ~~397.311(18)(a)4.~~, 397.311(22)(a)1.

531 ~~397.311(18)(a)1.~~, and 394.455(26), respectively.

532 Section 8. Subsection (8) of section 397.405, Florida
533 Statutes, is amended to read:

534 397.405 Exemptions from licensure.—The following are exempt
535 from the licensing provisions of this chapter:

536 (8) A legally cognizable church or nonprofit religious
537 organization or denomination providing substance abuse services,
538 including prevention services, which are solely religious,
539 spiritual, or ecclesiastical in nature. A church or nonprofit
540 religious organization or denomination providing any of the
541 licensed service components itemized under s. 397.311(22)
542 ~~397.311(18)~~ is not exempt from substance abuse licensure but
543 retains its exemption with respect to all services which are
544 solely religious, spiritual, or ecclesiastical in nature.

545

546 The exemptions from licensure in this section do not apply to
547 any service provider that receives an appropriation, grant, or
548 contract from the state to operate as a service provider as
549 defined in this chapter or to any substance abuse program
550 regulated pursuant to s. 397.406. Furthermore, this chapter may
551 not be construed to limit the practice of a physician or

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552 physician assistant licensed under chapter 458 or chapter 459, a
553 psychologist licensed under chapter 490, a psychotherapist
554 licensed under chapter 491, or an advanced registered nurse
555 practitioner licensed under part I of chapter 464, who provides
556 substance abuse treatment, so long as the physician, physician
557 assistant, psychologist, psychotherapist, or advanced registered
558 nurse practitioner does not represent to the public that he or
559 she is a licensed service provider and does not provide services
560 to individuals pursuant to part V of this chapter. Failure to
561 comply with any requirement necessary to maintain an exempt
562 status under this section is a misdemeanor of the first degree,
563 punishable as provided in s. 775.082 or s. 775.083.

564 Section 9. Section 397.416, Florida Statutes, is amended to
565 read:

566 397.416 Substance abuse treatment services; qualified
567 professional.—Notwithstanding any other provision of law, a
568 person who was certified through a certification process
569 recognized by the former Department of Health and Rehabilitative
570 Services before January 1, 1995, may perform the duties of a
571 qualified professional with respect to substance abuse treatment
572 services as defined in this chapter, and need not meet the
573 certification requirements contained in s. 397.311(30)
574 ~~397.311(26)~~.

575 Section 10. Paragraphs (d) and (g) of subsection (1) of
576 section 440.102, Florida Statutes, are amended to read:

577 440.102 Drug-free workplace program requirements.—The
578 following provisions apply to a drug-free workplace program
579 implemented pursuant to law or to rules adopted by the Agency
580 for Health Care Administration:

586-01708-15

2015326c1

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

583 (d) "Drug rehabilitation program" means a service provider,
584 established pursuant to s. 397.311(39) ~~397.311(33)~~, that
585 provides confidential, timely, and expert identification,
586 assessment, and resolution of employee drug abuse.

587 (g) "Employee assistance program" means an established
588 program capable of providing expert assessment of employee
589 personal concerns; confidential and timely identification
590 services with regard to employee drug abuse; referrals of
591 employees for appropriate diagnosis, treatment, and assistance;
592 and followup services for employees who participate in the
593 program or require monitoring after returning to work. If, in
594 addition to the above activities, an employee assistance program
595 provides diagnostic and treatment services, these services shall
596 in all cases be provided by service providers pursuant to s.
597 397.311(39) ~~397.311(33)~~.

598 Section 11. This act shall take effect July 1, 2015.