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16 (a) "Clinical treatment" means a professionally directed,
17 deliberate, and planned regimen of services and interventions
18 that are designed to reduce or eliminate the misuse of drugs and
19 alcohol and promote a healthy, drug-free lifestyle, which may
20 only be provided by an individual licensed or certified under
21 chapter 464, a qualified professional, a recovery support
22 specialist, or other professional as provided in rule. As
23 defined by rule, "clinical treatment services" include, but are
24 not limited to, the following licensable service components:

25 1. "Addictions receiving facility" is a secure, acute care
26 facility that provides, at a minimum, detoxification and
27 stabilization services; is operated 24 hours per day, 7 days per
28 week; and is designated by the department to serve individuals
29 found to be substance use impaired as described in s. 397.675
30 who meet the placement criteria for this component.

31 2. "Day or night treatment" is a service provided in a
32 nonresidential environment, with a structured schedule of
33 treatment and rehabilitative services.

34 3. "Day or night treatment with community housing" means a
35 program intended for individuals who can benefit from living
36 independently in peer community housing while participating in
37 treatment services for a minimum of 5 hours a day for a minimum
38 of 25 hours per week.

39 4. "Detoxification" is a service involving subacute care
40 that is provided on an inpatient or an outpatient basis to

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41 assist individuals to withdraw from the physiological and
42 psychological effects of substance abuse and who meet the
43 placement criteria for this component.

44 5. "Intensive inpatient treatment" includes a planned
45 regimen of evaluation, observation, medical monitoring, and
46 clinical protocols delivered through an interdisciplinary team
47 approach provided 24 hours per day, 7 days per week, in a highly
48 structured, live-in environment.

49 6. "Intensive outpatient treatment" is a service that
50 provides individual or group counseling in a more structured
51 environment, is of higher intensity and duration than outpatient
52 treatment, and is provided to individuals who meet the placement
53 criteria for this component.

54 7. "Medication-assisted treatment for opiate addiction" is
55 a service that uses methadone or other medication as authorized
56 by state and federal law, in combination with medical,
57 rehabilitative, and counseling services in the treatment of
58 individuals who are dependent on opioid drugs.

59 8. "Outpatient treatment" is a service that provides
60 individual, group, or family counseling by appointment during
61 scheduled operating hours for individuals who meet the placement
62 criteria for this component.

63 9. "Residential treatment" is a service provided in a
64 structured live-in environment within a nonhospital setting on a

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65 24-hours-per-day, 7-days-per-week basis, and is intended for
66 individuals who meet the placement criteria for this component.

67 (48) "Clinical supervisor" means someone who manages
68 personnel that provide direct clinical treatment.

69 (49) "Recovery support specialist" means a person in stable
70 recovery from substance abuse, whose life experiences and
71 recovery allow him or her to provide peer-to-peer recovery
72 support, and who is certified by an organization that is
73 approved by the department pursuant to s. 397.321(15).

74 Section 2. Subsection (15) of section 397.321, Florida
75 Statutes, is amended to read:

76 397.321 Duties of the department.—The department shall:

77 (15) Recognize a statewide certification process for
78 addiction professionals and recovery support specialists and
79 identify and endorse one or more agencies responsible for such
80 certification of service provider personnel.

81 Section 3. Subsection (2) of section 397.401, Florida
82 Statutes, is amended to read:

83 397.401 License required; penalty; injunction; rules
84 waivers.—

85 (2) A violation of subsection (1) is a felony ~~misdemeanor~~
86 of the third ~~first~~ degree, punishable as provided in s. 775.082,
87 ~~or~~ s. 775.083, or s. 775.84.

88 Section 4. Section 397.405, Florida Statutes, is
89 renumbered as section 397.4012, F.S., and amended to read:

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90 397.4012 ~~397.405~~ Exemptions from licensure.—The following
91 are exempt from the licensing provisions of this chapter:

92 (1) A hospital or hospital-based component licensed under
93 chapter 395.

94 (2) A nursing home facility as defined in s. 400.021.

95 (3) A substance abuse education program established
96 pursuant to s. 1003.42.

97 (4) A facility or institution operated by the Federal
98 Government.

99 (5) A physician or physician assistant licensed under
100 chapter 458 or chapter 459.

101 (6) A psychologist licensed under chapter 490.

102 (7) A social worker, marriage and family therapist, or
103 mental health counselor licensed under chapter 491.

104 (8) A legally cognizable church or nonprofit religious
105 organization or denomination providing substance abuse services,
106 including prevention services, which are solely religious,
107 spiritual, or ecclesiastical in nature. A church or nonprofit
108 religious organization or denomination providing any of the
109 licensed service components itemized under s. 397.311(25) is not
110 exempt from substance abuse licensure but retains its exemption
111 with respect to all services which are solely religious,
112 spiritual, or ecclesiastical in nature.

113 (9) Facilities licensed under chapter 393 which, in
114 addition to providing services to persons with developmental

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115 disabilities, also provide services to persons developmentally
116 at risk as a consequence of exposure to alcohol or other legal
117 or illegal drugs while in utero.

118 (10) DUI education and screening services provided
119 pursuant to ss. 316.192, 316.193, 322.095, 322.271, and 322.291.
120 Persons or entities providing treatment services must be
121 licensed under this chapter unless exempted from licensing as
122 provided in this section.

123 (11) A facility licensed under s. 394.875 as a crisis
124 stabilization unit.

125

126 The exemptions from licensure in this section do not apply to
127 any service provider that receives an appropriation, grant, or
128 contract from the state to operate as a service provider as
129 defined in this chapter or to any substance abuse program
130 regulated pursuant to s. 397.4014 ~~397.406~~. Furthermore, this
131 chapter may not be construed to limit the practice of a
132 physician or physician assistant licensed under chapter 458 or
133 chapter 459, a psychologist licensed under chapter 490, a
134 psychotherapist licensed under chapter 491, or an advanced
135 registered nurse practitioner licensed under part I of chapter
136 464, who provides substance abuse treatment, so long as the
137 physician, physician assistant, psychologist, psychotherapist,
138 or advanced registered nurse practitioner does not represent to
139 the public that he or she is a licensed service provider and

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140 does not provide services to individuals pursuant to part V of
141 this chapter. Failure to comply with any requirement necessary
142 to maintain an exempt status under this section is a misdemeanor
143 of the first degree, punishable as provided in s. 775.082 or s.
144 775.083.

145 Section 5. Section 397.406, Florida Statutes, is
146 renumbered as section 397.4014, Florida Statutes.

147 Section 6. Paragraphs (e) and (g) of subsection (1) of
148 section 397.403, Florida Statutes, are amended, new paragraphs
149 (h) and (i) are added to that subsection, subsections (2) and
150 (3) are renumbered, and a new subsection (3) is added, to read:

151 397.403 License application.—

152 (1) Applicants for a license under this chapter must apply
153 to the department on forms provided by the department and in
154 accordance with rules adopted by the department. Applications
155 must include at a minimum:

156 (e) Sufficient information to conduct background screening
157 for all owners, directors, chief financial officers, and
158 clinical supervisors as provided in s. 397.4073 ~~397.451~~.

159 ~~1. If the results of the background screening indicate~~
160 ~~that any owner, director, or chief financial officer has been~~
161 ~~found guilty of, regardless of adjudication, or has entered a~~
162 ~~plea of nolo contendere or guilty to any offense prohibited~~
163 ~~under the screening standard, a license may not be issued to the~~
164 ~~applicant service provider unless an exemption from~~

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165 ~~disqualification has been granted by the department as set forth~~
166 ~~in chapter 435. The owner, director, or chief financial officer~~
167 ~~has 90 days within which to obtain the required exemption,~~
168 ~~during which time the applicant's license remains in effect.~~

169 ~~2. If any owner, director, or chief financial officer is~~
170 ~~arrested or found guilty of, regardless of adjudication, or has~~
171 ~~entered a plea of nolo contendere or guilty to any offense~~
172 ~~prohibited under the screening standard while acting in that~~
173 ~~capacity, the provider shall immediately remove the person from~~
174 ~~that position and shall notify the department within 2 days~~
175 ~~after such removal, excluding weekends and holidays. Failure to~~
176 ~~remove the owner, director, or chief financial officer will~~
177 ~~result in revocation of the provider's license.~~

178 (g) A comprehensive outline of the proposed services,
179 including sufficient detail to evaluate compliance with clinical
180 and treatment best practices, for:

- 181 1. Any new applicant; or
- 182 2. Any licensed service provider adding a new licensable
183 service component.

184 (h) Proof of the ability to provide services in accordance
185 with department rules.

186 (i) Any other information that the department finds
187 necessary to determine the applicant's ability to carry out its
188 duties under this chapter and applicable rules.

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189 ~~(4)-(2)~~ The burden of proof with respect to any requirement
190 for application for licensure as a service provider under this
191 chapter is on the applicant.

192 ~~(2)-(3)~~ The department shall accept proof of accreditation
193 by an accrediting organization whose standards incorporate
194 comparable licensure regulations required by this state, or
195 through another nationally recognized certification process that
196 is acceptable to the department and meets the minimum licensure
197 requirements under this chapter, in lieu of requiring the
198 applicant to submit the information required by paragraphs
199 (1) (a) - (c).

200 (3) Applications for licensure renewal must include proof
201 of application for accreditation for each licensed service
202 component providing clinical treatment by an accrediting
203 organization that is acceptable to the department at the first
204 renewal, and proof of accreditation for any subsequent renewals.

205 Section 7. Subsection (1) of section 397.407 is amended,
206 present subsection (11) is repealed, a new subsection (5) is
207 added, present subsection (6) is renumbered and amended, a new
208 subsection (5) is added to that section, and subsections (7)
209 through (10) are renumbered as subsections (8) through (11), to
210 read:

211 397.407 Licensure process; fees.—

212 (1) The department shall establish the licensure process
213 to include fees and categories of licenses and must prescribe a

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214 fee range that is based, at least in part, on the number and
215 complexity of programs listed in s. 397.311(25) which are
216 operated by a licensee. The fees from the licensure of service
217 components are sufficient to cover ~~at least 50 percent of the~~
218 costs of regulating the service components. The department shall
219 specify a fee range for public and privately funded licensed
220 service providers. Fees for privately funded licensed service
221 providers must exceed the fees for publicly funded licensed
222 service providers.

223 (5) The department shall conduct background screening, as
224 provided in s. 397.4073, as part of the licensure application
225 for all owners, directors, chief financial officers, and
226 clinical supervisors. If the results of the background screening
227 indicate that the individual has been found guilty of,
228 regardless of adjudication, or has entered a plea of nolo
229 contendere or guilty to any offense prohibited under the
230 screening standard, a license may not be issued to the applicant
231 service provider unless an exemption from disqualification has
232 been granted by the department as set forth in chapter 435. The
233 individual has 90 days within which to obtain the required
234 exemption, during which time the applicant's license remains in
235 effect.

236 (7)~~(6)~~ Upon receipt of a complete application, payment of
237 applicable fees, and a demonstration of substantial compliance
238 with all applicable statutory and regulatory requirements, the

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239 department may issue A probationary license ~~may be issued~~ to a
240 service provider applicant ~~in the initial stages of developing~~
241 with services that are not yet fully operational ~~upon completion~~
242 ~~of all application requirements itemized in s. 397.403(1) and~~
243 ~~upon demonstration of the applicant's ability to comply with all~~
244 ~~applicable statutory and regulatory requirements.~~ The department
245 may not issue a probationary license when doing so would place
246 the health, safety, or welfare of individuals at risk. A
247 probationary license expires 90 days after issuance and may not
248 be reissued ~~once for an additional 90-day period if the~~
249 ~~applicant has substantially complied with all requirements for~~
250 ~~regular licensure or has initiated action to satisfy all~~
251 ~~requirements.~~ During the probationary period the department
252 shall monitor the delivery of services. Notwithstanding s.
253 120.60(5), the department may order a probationary licensee to
254 cease and desist operations at any time it is found to be
255 substantially out of compliance with licensure standards. This
256 cease-and-desist order is exempt from the requirements of s.
257 120.60(6).

258 ~~(11) Effective July 1, 2016, a service provider licensed~~
259 ~~under this part may not refer a current or discharged patient to~~
260 ~~a recovery residence unless the recovery residence holds a valid~~
261 ~~certificate of compliance as provided in s. 397.487 and is~~
262 ~~actively managed by a certified recovery residence administrator~~
263 ~~as provided in s. 397.4871 or the recovery residence is owned~~

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264 ~~and operated by a licensed service provider or a licensed~~
265 ~~service provider's wholly owned subsidiary. For purposes of this~~
266 ~~subsection, the term "refer" means to inform a patient by any~~
267 ~~means about the name, address, or other details of the recovery~~
268 ~~residence. However, this subsection does not require a licensed~~
269 ~~service provider to refer any patient to a recovery residence.~~

270 Section 8. Section 397.451, Florida Statutes, is
271 renumbered as section 397.4073, Florida Statutes, and paragraph
272 (a) of subsection (1), subsection (2), and paragraph (b) of
273 subsection (3) of that section is amended to read:

274 397.4073 ~~397.451~~ Background checks of service provider
275 personnel.—

276 (1) PERSONNEL BACKGROUND CHECKS; REQUIREMENTS AND
277 EXCEPTIONS.—

278 (a) Background checks shall apply as follows:

279 1. All owners, directors, ~~and~~ chief financial officers,
280 and clinical supervisors of service providers are subject to
281 level 2 background screening as provided under chapter 435.
282 Inmate substance abuse programs operated directly or under
283 contract with the Department of Corrections are exempt from this
284 requirement.

285 2. All service provider personnel who have direct contact
286 with children receiving services or with adults who are
287 developmentally disabled receiving services are subject to level
288 2 background screening as provided under chapter 435.

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289 (2) EMPLOYMENT HISTORY CHECKS; CHECKS OF REFERENCES.—The
290 department shall assess employment history checks and checks of
291 references for all owners, directors, ~~and~~ chief financial
292 officers, ~~and~~ the directors, and clinical supervisors shall
293 assess employment history checks and checks of references for
294 each employee who has direct contact with children receiving
295 services or adults who are developmentally disabled receiving
296 services.

297 (3) PERSONNEL EXEMPT FROM BEING REFINGERPRINTED OR
298 RECHECKED.—

299 (b) Service provider owners, directors, ~~or~~ chief financial
300 officers, or clinical supervisors who are not covered by
301 paragraph (a) who provide proof of compliance with the level 2
302 background screening requirements which has been submitted
303 within the previous 5 years in compliance with any other state
304 health care licensure requirements are not required to be
305 refingerprinted or rechecked.

306 Section 9. Section 397.461, Florida Statutes, is renumbered
307 as section 397.4075, Florida Statutes.

308 Section 10. Section 397.410, Florida Statutes, is created
309 to read:

310 397.410 Rules; licensure requirements; minimum standards.—

311 (1) The department shall establish minimum requirements
312 for licensure of each licensed service component, including but
313 not limited to:

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314 (a) Standards and procedures for the administrative
315 management of the licensed service component, including
316 procedures for recordkeeping, referrals, and financial
317 management.

318 (b) Standards consistent with clinical and treatment best
319 practices that ensure the provision of quality treatment for
320 individuals receiving substance abuse treatment services.

321 (c) The number and qualifications of all personnel,
322 including but not limited to management, nursing, and qualified
323 professionals, having responsibility for any part of
324 individuals' clinical treatment. These requirements must
325 include, but need not be limited to:

326 1. Minimum staffing ratios to provide adequate safety,
327 care, and treatment.

328 2. Hours of staff coverage.

329 3. The maximum number of individuals who may receive
330 clinical services together in a group setting.

331 3. The maximum number of licensed service providers for
332 which a physician may serve as medical director and the total
333 number of individuals he or she may treat in that capacity.

334 (d) Service provider facility standards, including but not
335 limited to:

336 1. Safety and adequacy of the facility and grounds.

337 2. Space, furnishings, and equipment for each individual
338 served.

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339 3. Infection control, housekeeping, sanitation, and
340 facility maintenance.

341 4. Meals and snacks.

342 (e) Disaster planning policies and procedures.

343 (2) The department shall adopt rules to provide that, when
344 the criteria established under subsection (1) are not met, such
345 deficiencies shall be classified according to the nature and the
346 scope of the deficiency. The scope shall be cited as isolated,
347 patterned, or widespread. The department shall indicate the
348 classification on the face of the notice of deficiencies in
349 accordance with s. 397.411.

350 (a) An isolated deficiency is a deficiency affecting one
351 or a very limited number of residents, or involving one or a
352 very limited number of staff, or a situation that occurred only
353 occasionally or in a very limited number of locations.

354 (b) A patterned deficiency is a deficiency where more than
355 a very limited number of residents are affected, or more than a
356 very limited number of staff are involved, or the situation has
357 occurred in several locations, or the same resident or residents
358 have been affected by repeated occurrences of the same deficient
359 practice but the effect of the deficient practice is not found
360 to be pervasive throughout the facility.

361 (c) A widespread deficiency is a deficiency in which the
362 problems causing the deficiency are pervasive in the facility or

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363 represent systemic failure that has affected or has the
364 potential to affect a large portion of the facility's residents.

365 (3) By October 1, 2017, the department shall publish a
366 notice of development of rulemaking, and by January 1, 2018, the
367 department shall publish a notice of proposed rule to implement
368 the provisions of this section.

369 Section 11. Section 397.419, Florida Statutes, is
370 renumbered as section 397.4103, Florida Statutes.

371 Section 12. Paragraph (a) of subsection (1) and subsection
372 (4) of section 397.411, Florida Statutes, are amended, and a new
373 subsection (7) is added, to read:

374 397.411 Inspection; right of entry; classification of
375 violations; records.—

376 (1) (a) An authorized agent of the department may enter and
377 inspect at any time, on an announced or unannounced basis, a
378 licensed service provider to determine whether it is in
379 compliance with statutory and regulatory requirements, including
380 but not limited to the minimum requirements for licensure in s.
381 397.410.

382 (4) The authorized agents of the department may ~~shall~~
383 schedule periodic inspections of licensed service providers in
384 order to minimize costs and the disruption of services; however,
385 such authorized agents may inspect the facilities of any
386 licensed service provider at any time.

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387 (7) Violations of this part or applicable rules shall be
388 classified according to the nature of the violation and the
389 gravity of its probable effect on individuals receiving
390 substance abuse treatment. Violations shall be classified on the
391 written notice as follows:

392 (a) Class "I" violations are those conditions or
393 occurrences related to the operation and maintenance of a
394 service component or to the treatment of individuals which the
395 department determines present an imminent danger or a
396 substantial probability that death or serious physical or
397 emotional harm would result therefrom. The condition or practice
398 constituting a class I violation shall be abated or eliminated
399 within 24 hours, unless a fixed period, as determined by the
400 department, is required for correction. The department shall
401 impose an administrative fine as provided by law for a cited
402 class I violation. A fine shall be levied notwithstanding the
403 correction of the violation.

404 (b) Class "II" violations are those conditions or
405 occurrences related to the operation and maintenance of a
406 service component or to the treatment of individuals which the
407 department determines directly threaten the physical or
408 emotional health, safety, or security of the individuals, other
409 than class I violations. The department shall impose an
410 administrative fine as provided by law for a cited class II

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411 violation. A fine shall be levied notwithstanding the correction
412 of the violation.

413 (c) Class "III" violations are those conditions or
414 occurrences related to the operation and maintenance of a
415 service component or to the treatment of individuals which the
416 department determines indirectly or potentially threaten the
417 physical or emotional health, safety, or security of
418 individuals, other than class I or class II violations. The
419 department shall impose an administrative fine as provided in
420 this section for a cited class III violation. A citation for a
421 class III violation must specify the time within which the
422 violation is required to be corrected. If a class III violation
423 is corrected within the time specified, a fine may not be
424 imposed.

425 (d) Class "IV" violations are those conditions or
426 occurrences related to the operation and maintenance of a
427 service component or to required reports, forms, or documents
428 that do not have the potential of negatively affecting
429 individuals. These violations are of a type that the department
430 determines do not threaten the health, safety, or security of
431 individuals. The department shall impose an administrative fine
432 as provided in this section for a cited class IV violation. A
433 citation for a class IV violation must specify the time within
434 which the violation is required to be corrected. If a class IV

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435 violation is corrected within the time specified, a fine may not
436 be imposed.

437 Section 13. Subsection (1) of section 397.415, Florida
438 Statutes, is amended to read:

439 397.415 Denial, suspension, and revocation; other
440 remedies.—

441 (1) If the department determines that an applicant or
442 licensed service provider or licensed service component thereof
443 is not in compliance with all statutory and regulatory
444 requirements, the department may deny, suspend, revoke, or
445 impose reasonable restrictions or penalties on the license or
446 any portion of the license. In such case, ~~the department:~~

447 (a) The department may:

448 1. Impose an administrative fine for a violation that is
449 designated as a class I, class II, class III, or class IV
450 violation pursuant to s. 397.411.

451 2. ~~May~~ impose an administrative fine for a violation that
452 is not designated as a class I, class II, class III, or class IV
453 violation pursuant to s. 397.411. Unless otherwise specified by
454 law, the amount of the fine may not exceed \$500 for each
455 violation. Unclassified violations may include:

456 a. Violating any term or condition of a license.

457 b. Violating any provision of this chapter or applicable
458 rules.

459 c. Providing services beyond the scope of the license.

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460 d. Violating a moratorium imposed pursuant to s. 397.415.

461 3. Establish criteria by rule for the amount or aggregate
462 limitation of administrative fines applicable to this chapter
463 and applicable rules, unless the amount or aggregate limitation
464 of the fine is prescribed by statute. Each day of violation
465 constitutes a separate violation and is subject to a separate
466 fine. For fines imposed by final order of the department and not
467 subject to further appeal, the violator shall pay the fine plus
468 interest at the rate specified in s. 55.03 for each day beyond
469 the date set by the department for payment of the fine.

470 (b) The department may require a corrective action plan
471 approved by the department for any violation of this part or
472 applicable rules.

473 (c) The department may impose an a immediate moratorium or
474 emergency suspension as defined in s. 120.60 on admissions to
475 any service component of a licensed service provider if the
476 department determines that conditions are present a threat to
477 the public health, or safety, or welfare of an individual or the
478 public. Notice of the moratorium or emergency suspension shall
479 be posted and visible to the public at the location of the
480 provider until the action is lifted.

481 ~~(b) May impose an administrative penalty of up to \$500 per~~
482 ~~day against a licensed service provider operating in violation~~
483 ~~of any fire-related, safety-related, or health-related statutory~~

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484 ~~or regulatory requirement. Fines collected under this paragraph~~
485 ~~must be deposited in the Operations and Maintenance Trust Fund.~~

486 ~~(d)-(e)~~ The department May deny, suspend, or revoke the
487 license of a service provider or may suspend or revoke the
488 license as to the operation of any service component or location
489 identified on the license for:

490 1. False representation of a material fact in the license
491 application or omission of any material fact from the
492 application.

493 2. An intentional or negligent act materially affecting
494 the health or safety of an individual receiving services from
495 the provider.

496 3. A violation of this chapter or applicable rules.

497 4. A demonstrated pattern of deficient performance.

498 5. Failure to immediately remove service provider
499 personnel subject to background screening pursuant to s.
500 397.4073 who are arrested or found guilty of, regardless of
501 adjudication, or have entered a plea of nolo contendere or
502 guilty to any offense prohibited under the screening standard
503 and notify the department within 2 days after such removal,
504 excluding weekends and holidays if, after notice, the department
505 determines that a service provider has failed to correct the
506 substantial or chronic violation of any statutory or regulatory
507 requirement that impacts the quality of care.

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508 Section 14. Section 397.4873, Florida Statutes, is created
509 to read:

510 397.4873 Referrals to or from recovery residences;
511 prohibitions; penalties.-

512 (1) A service provider licensed under this part may not
513 refer a prospective, current or discharged patient to, or accept
514 a referral from, a recovery residence unless the recovery
515 residence holds a valid certificate of compliance as provided in
516 s. 397.487 and is actively managed by a certified recovery
517 residence administrator as provided in s. 397.4871.

518 (2) For purposes of this section, the term "refer" means
519 to inform a patient by any means about the name, address, or
520 other details of the recovery residence.

521 (3) A service provider shall maintain records of referrals
522 to or from recovery residences as may be prescribed by the
523 department in rule.

524 (4) After June 30, 2019, a violation of this subsection is
525 subject to an administrative fine of \$1,000 per occurrence.
526 Repeat violations of this subsection may subject a provider to
527 license suspension or revocation pursuant to s. 397.415.

528 (5) Nothing in this section requires a licensed service
529 provider to refer any patient to a recovery residence.

530 Section 15. Subsection (3) of section 397.753, Florida
531 Statutes, is amended to read:

532 397.753 Definitions.-As used in this part:

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533 (3) "Inmate substance abuse services" means any service
534 component as defined in s. 397.311 provided directly by the
535 Department of Corrections and licensed and regulated by the
536 Department of Children and Families pursuant to s. 397.4014
537 ~~397.406~~, or provided through contractual arrangements with a
538 service provider licensed pursuant to part II; or any self-help
539 program or volunteer support group operating for inmates.

540 Section 16. Section 409.1757, Florida Statutes, is amended
541 to read:

542 409.1757 Persons not required to be refingerprinted or
543 rescreened.—Any law to the contrary notwithstanding, human
544 resource personnel who have been fingerprinted or screened
545 pursuant to chapters 393, 394, 397, 402, and this chapter,
546 teachers who have been fingerprinted pursuant to chapter 1012,
547 and law enforcement officers who meet the requirements of s.
548 943.13, who have not been unemployed for more than 90 days
549 thereafter, and who under the penalty of perjury attest to the
550 completion of such fingerprinting or screening and to compliance
551 with this section and the standards for good moral character as
552 contained in such provisions as ss. 110.1127(2)(c), 393.0655(1),
553 397.4073, 394.457(6), ~~397.451~~, 402.305(2), 409.175(6), and
554 943.13(7), are not required to be refingerprinted or rescreened
555 in order to comply with any caretaker screening or
556 fingerprinting requirements.

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557 Section 17. Paragraph (e) of subsection (4) of section
558 985.045, Florida Statutes, is amended to read:

559 985.045 Court records.—

560 (4) A court record of proceedings under this chapter is
561 not admissible in evidence in any other civil or criminal
562 proceeding, except that:

563 (e) Records of proceedings under this chapter may be used
564 to prove disqualification under ss. 110.1127, 393.0655,
565 397.4073, 394.457, ~~397.451~~, 402.305, 402.313, 409.175, 409.176,
566 and 985.644.

567 Section 18. Section 397.471, Florida Statutes, is
568 repealed.

569

570

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

572 Remove lines 1-11 and insert:

573 An act relating to practices of substance abuse service
574 providers; amending s. 16.56, F.S.; authorizing the Office of
575 Statewide Prosecution in the Department of Legal Affairs to
576 investigate and prosecute patient brokering offenses; amending
577 s. 397.311, F.S.; amending the term "clinical treatment";
578 defining the terms "clinical supervisor" and "recovery support
579 specialist"; amending s. 397.321, F.S.; requiring the department
580 to recognize a certification process for recovery support
581 specialists; amending s. 397.401, F.S.; increasing penalties for

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582 | operating without a license; renumbering s. 397.405, F.S.;

583 | conforming a cross-reference; renumbering s. 397.406, F.S.;

584 | amending s. 397.403, F.S.; requiring additional information to

585 | be provided in a licensure application; requiring accreditation

586 | for certain licensure renewals; conforming a cross-reference;

587 | amending s. 397.407, F.S.; requiring licensure fees to cover the

588 | cost of regulation; requiring background screening for owners,

589 | directors, chief financial officers, and clinical supervisors;

590 | limiting the instances in which the department may issue a

591 | probationary license; revising limitations on referrals to

592 | recovery residences; renumbering and amending s. 397.451, F.S.;

593 | requiring clinical supervisors to undergo background screening;

594 | renumbering s. 397.461, F.S.; creating s. 397.410, F.S.;

595 | requiring the department to establish minimum standards for

596 | licensure; specifying the elements these standards must address;

597 | directing the department to establish the scope of deficiency by

598 | rule; requiring the department to have completed certain steps

599 | in the rulemaking process by specific dates; renumbering s.

600 | 397.419, F.S.; amending s. 397.411, F.S.; granting the

601 | department the authority to conduct announced and unannounced

602 | inspections; establishing classes of violations; amending s.

603 | 397.415, F.S.; providing criteria for when the department may

604 | impose a fine, corrective action plan, immediate moratorium or

605 | emergency suspension; providing criteria for the department to

606 | deny, suspend, or revoke a license; creating s. 397.4873, F.S.;

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 807 (2017)

Amendment No.

607 limiting referrals to and from recovery residences; providing
608 penalties; repealing s. 397.471, F.S.; relating to service
609 provider facility standards; amending s. 397.753, F.S.; amending
610 a cross-reference; amending s. 409.1757, F.S.; conforming a
611 cross-reference; amending s. 985.045, F.S.; conforming a cross-
612 reference; amending s. 397.501,