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1
2 An act relating to substance abuse services; amending
3 s. 394.4572, F.S.; authorizing the Department of
4 Children and Families and the Agency for Health Care
5 Administration to grant exemptions from
6 disqualification for certain service provider
7 personnel; amending s. 397.311, F.S.; providing and
8 revising definitions; amending s. 397.321, F.S.;
9 providing for review by the department of certain
10 decisions made by a department-recognized
11 credentialing entity; authorizing certain persons to
12 request an administrative hearing within a specified
13 timeframe under certain conditions; amending s.
14 397.4073, F.S.; requiring individuals screened on or
15 after a specified date to undergo specified background
16 screening; requiring the department to grant or deny a
17 request for an exemption from qualification within a
18 certain timeframe; authorizing certain applicants for
19 an exemption to work under the supervision of certain
20 persons for a specified period of time while his or
21 her application is pending; authorizing certain
22 persons to be exempt from disqualification from
23 employment; authorizing the department to grant
24 exemptions from disqualification for service provider
25 personnel to work solely in certain treatment

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26 | programs, facilities, or recovery residences; amending
27 | s. 397.4075, F.S.; increasing the criminal penalty for
28 | certain unlawful activities relating to personnel;
29 | providing a criminal penalty for inaccurately
30 | disclosing certain facts in an application for
31 | licensure; creating s. 397.417, F.S.; authorizing an
32 | individual to seek certification as a peer specialist
33 | if he or she meets certain requirements; requiring the
34 | department to approve one or more third-party
35 | credentialing entities for specified purposes;
36 | requiring the credentialing entity to demonstrate
37 | compliance with certain standards in order to be
38 | approved by the department; requiring an individual
39 | providing department-funded recovery support services
40 | as a peer specialist to be certified; authorizing an
41 | individual who is not certified to provide recovery
42 | support services as a peer specialist under certain
43 | circumstances; amending s. 397.487, F.S.; revising
44 | legislative findings relating to voluntary
45 | certification of recovery residences; revising
46 | background screening requirements for owners,
47 | directors, and chief financial officers of recovery
48 | residences; providing for review by the department of
49 | certain decisions made by a department-recognized
50 | credentialing entity; authorizing certain recovery

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51 residences to request an administrative hearing within
 52 a specified timeframe under certain conditions;
 53 authorizing certain recovery residences to immediately
 54 discharge or transfer residents under certain
 55 circumstances; amending s. 397.4873, F.S.; expanding
 56 the exceptions to limitations on referrals by recovery
 57 residences to licensed service providers; amending s.
 58 397.55, F.S.; revising the requirements for a service
 59 provider, operator of a recovery residence, or certain
 60 third parties to enter into certain contracts with
 61 marketing providers; amending s. 435.07, F.S.;
 62 authorizing the exemption of certain persons from
 63 disqualification from employment; amending s. 817.505,
 64 F.S.; revising provisions relating to payment
 65 practices exempt from prohibitions on patient
 66 brokering; amending ss. 212.055, 397.416, and 440.102,
 67 F.S.; conforming cross-references; providing an
 68 effective date.

69
 70 Be It Enacted by the Legislature of the State of Florida:
 71

72 Section 1. Subsection (2) of section 394.4572, Florida
 73 Statutes, is amended to read:

74 394.4572 Screening of mental health personnel.—

75 (2) (a) The department or the Agency for Health Care

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76 Administration may grant exemptions from disqualification as
 77 provided in chapter 435.

78 (b) The department or the Agency for Health Care
 79 Administration, as applicable, may grant exemptions from
 80 disqualification for service provider personnel to work solely
 81 in mental health treatment programs or facilities, or in
 82 programs or facilities that treat co-occurring substance use and
 83 mental health disorders.

84 Section 2. Subsections (30) through (49) of section
 85 397.311, Florida Statutes, are renumbered as subsections (31)
 86 through (50), respectively, subsection (8) and present
 87 subsection (37) of that section are amended, and subsection (30)
 88 is added to that section, to read:

89 397.311 Definitions.—As used in this chapter, except part
 90 VIII, the term:

91 (8) "Clinical supervisor" means a person who meets the
 92 requirements of a qualified professional whose functions include
 93 managing ~~manages~~ personnel who provide direct clinical services
 94 or maintaining lead responsibility for the overall coordination
 95 and provision of clinical services treatment.

96 (30) "Peer specialist" means a person who has been in
 97 recovery from a substance use disorder or mental illness for at
 98 least 2 years who uses his or her personal experience to provide
 99 services in behavioral health settings to support others in
 100 their recovery, or a person who has at least 2 years of

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101 experience as a family member or caregiver of an individual who
 102 has a substance use disorder or mental illness. The term does
 103 not include a qualified professional or a person otherwise
 104 certified under chapter 394 or this chapter.

105 (38)-(37) "Recovery residence" means a residential dwelling
 106 unit, the community housing component of a licensed day or night
 107 treatment facility with community housing, or other form of
 108 group housing, which that is offered or advertised through any
 109 means, including oral, written, electronic, or printed means, by
 110 any person or entity as a residence that provides a peer-
 111 supported, alcohol-free, and drug-free living environment.

112 Section 3. Subsection (15) of section 397.321, Florida
 113 Statutes, is amended to read:

114 397.321 Duties of the department.—The department shall:

115 (15) Recognize a statewide certification process for
 116 addiction professionals and identify and endorse one or more
 117 entities agencies responsible for such certification of service
 118 provider personnel. Any decision by a department-recognized
 119 credentialing entity to deny, revoke, or suspend a
 120 certification, or otherwise impose sanctions on an individual
 121 who is certified, is reviewable by the department. Upon
 122 receiving an adverse determination, the person aggrieved may
 123 request an administrative hearing pursuant to ss. 120.569 and
 124 120.57(1) within 30 days after completing any appeals process
 125 offered by the credentialing entity or the department, as

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126 applicable.

127 Section 4. Paragraphs (a), (f), and (g) of subsection (1)
 128 and subsection (4) of section 397.4073, Florida Statutes, are
 129 amended to read:

130 397.4073 Background checks of service provider personnel.—

131 (1) PERSONNEL BACKGROUND CHECKS; REQUIREMENTS AND
 132 EXCEPTIONS.—

133 (a) For all individuals screened on or after July 1, 2019,
 134 background checks shall apply as follows:

135 1. All owners, directors, chief financial officers, and
 136 clinical supervisors of service providers are subject to level 2
 137 background screening as provided under s. 408.809 and chapter
 138 435. Inmate substance abuse programs operated directly or under
 139 contract with the Department of Corrections are exempt from this
 140 requirement.

141 2. All service provider personnel who have direct contact
 142 with children receiving services or with adults who are
 143 developmentally disabled receiving services are subject to level
 144 2 background screening as provided under s. 408.809 and chapter
 145 435.

146 3. All peer specialists who have direct contact with
 147 individuals receiving services are subject to level 2 background
 148 screening as provided under s. 408.809 and chapter 435.

149 (f) Service provider personnel who request an exemption
 150 from disqualification must submit the request within 30 days

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151 after being notified of the disqualification. The department
152 shall grant or deny the request within 60 days after receipt of
153 a complete application.

154 (g) If 5 years or more, or 3 years or more in the case of
155 a certified peer specialist or an individual seeking
156 certification as a peer specialist pursuant to s. 397.417, have
157 elapsed since an applicant for an exemption from
158 disqualification has completed or has been lawfully released
159 from confinement, supervision, or a nonmonetary condition
160 imposed by a court for the applicant's most recent disqualifying
161 offense, the applicant may work with adults with substance use
162 disorders or co-occurring disorders under the supervision of
163 persons who meet all personnel requirements of this chapter for
164 up to 90 days after being notified of his or her
165 disqualification or until the department makes a final
166 determination regarding his or her request for an exemption from
167 disqualification, whichever is earlier ~~the most recent~~
168 ~~disqualifying offense, service provider personnel may work with~~
169 ~~adults with substance use disorders under the supervision of a~~
170 ~~qualified professional licensed under chapter 490 or chapter 491~~
171 ~~or a master's-level certified addictions professional until the~~
172 ~~agency makes a final determination regarding the request for an~~
173 ~~exemption from disqualification.~~

174 (h) ~~(g)~~ The department may not issue a regular license to
175 any service provider that fails to provide proof that background

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176 screening information has been submitted in accordance with
 177 chapter 435.

178 (4) EXEMPTIONS FROM DISQUALIFICATION.—

179 (a) The department may grant to any service provider
 180 personnel an exemption from disqualification as provided in s.
 181 435.07.

182 (b) Since rehabilitated substance abuse impaired persons
 183 are effective in the successful treatment and rehabilitation of
 184 individuals with substance use disorders, for service providers
 185 which treat adolescents 13 years of age and older, service
 186 provider personnel whose background checks indicate crimes under
 187 s. 796.07(2)(e), s. 810.02(4), s. 812.014(2)(c), s. 817.563, s.
 188 831.01, s. 831.02, s. 893.13, or s. 893.147, and any related
 189 criminal attempt, solicitation, or conspiracy under s. 777.04,
 190 may be exempted from disqualification from employment pursuant
 191 to this paragraph.

192 (c) The department may grant exemptions from
 193 disqualification for service provider personnel to work solely
 194 in substance use disorder treatment programs, facilities, or
 195 recovery residences or in programs or facilities that treat co-
 196 occurring substance use and mental health disorders. The
 197 department may further limit such ~~grant~~ exemptions from
 198 disqualification ~~which would limit service provider personnel to~~
 199 working with adults in substance abuse treatment facilities.

200 Section 5. Section 397.4075, Florida Statutes, is amended

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201 to read:

202 397.4075 Unlawful activities relating to personnel;
 203 penalties.—It is a felony of the third ~~misdemeanor of the first~~
 204 degree, punishable as provided in s. 775.082 or s. 775.083, for
 205 any person willfully, knowingly, or intentionally to:

206 (1) Inaccurately disclose by false statement,
 207 misrepresentation, impersonation, or other fraudulent means, or
 208 fail to disclose, in any application for licensure or voluntary
 209 or paid employment, any fact which is material in making a
 210 determination as to the person's qualifications to be an owner,
 211 a director, a volunteer, or other personnel of a service
 212 provider;

213 (2) Operate or attempt to operate as a service provider
 214 with personnel who are in noncompliance with the minimum
 215 standards contained in this chapter; or

216 (3) Use or release any criminal or juvenile information
 217 obtained under this chapter for any purpose other than
 218 background checks of personnel for employment.

219 Section 6. Section 397.417, Florida Statutes, is created
 220 to read:

221 397.417 Peer specialists.—

222 (1) An individual may seek certification as a peer
 223 specialist if he or she has been in recovery from a substance
 224 use disorder or mental illness for at least 2 years, or if he or
 225 she has at least 2 years of experience as a family member or

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226 caregiver of a person with a substance use disorder or mental
227 illness.

228 (2) The department shall approve one or more third-party
229 credentialing entities for the purposes of certifying peer
230 specialists, approving training programs for individuals seeking
231 certification as peer specialists, approving continuing
232 education programs, and establishing the minimum requirements
233 and standards that applicants must achieve to maintain
234 certification. To obtain approval, the third-party credentialing
235 entity must demonstrate compliance with nationally recognized
236 standards for developing and administering professional
237 certification programs to certify peer specialists.

238 (3) An individual providing department-funded recovery
239 support services as a peer specialist shall be certified
240 pursuant to subsection (2). An individual who is not certified
241 may provide recovery support services as a peer specialist for
242 up to 1 year if he or she is working toward certification and is
243 supervised by a qualified professional or by a certified peer
244 specialist who has at least 3 years of full-time experience as a
245 peer specialist at a licensed behavioral health organization.

246 Section 7. Subsections (1) and (6) of section 397.487,
247 Florida Statutes, are amended, paragraph (e) is added to
248 subsection (8), and subsection (11) is added to that section, to
249 read:

250 397.487 Voluntary certification of recovery residences.—

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251 (1) The Legislature finds that a person suffering from
252 addiction has a higher success rate of achieving long-lasting
253 sobriety when given the opportunity to build a stronger
254 foundation by living in a recovery residence while receiving
255 treatment or after completing treatment. The Legislature further
256 finds that this state and its subdivisions have a legitimate
257 state interest in protecting these persons, who represent a
258 vulnerable consumer population in need of adequate housing. It
259 is the intent of the Legislature to protect persons who reside
260 in a recovery residence.

261 (6) All owners, directors, and chief financial officers of
262 an applicant recovery residence are subject to level 2
263 background screening as provided under s. 408.809 and chapter
264 435. A recovery residence is ineligible for certification, and a
265 credentialing entity shall deny a recovery residence's
266 application, if any owner, director, or chief financial officer
267 has been found guilty of, or has entered a plea of guilty or
268 nolo contendere to, regardless of adjudication, any offense
269 listed in s. 408.809(4) or s. 435.04(2) unless the department
270 has issued an exemption under s. 397.4073 or s. 397.4872. In
271 accordance with s. 435.04, the department shall notify the
272 credentialing agency of an owner's, director's, or chief
273 financial officer's eligibility based on the results of his or
274 her background screening.

275 (8) Onsite followup monitoring of a certified recovery

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276 residence may be conducted by the credentialing entity to
 277 determine continuing compliance with certification requirements.
 278 The credentialing entity shall inspect each certified recovery
 279 residence at least annually to ensure compliance.

280 (e) Any decision by a department-recognized credentialing
 281 entity to deny, revoke, or suspend a certification, or otherwise
 282 impose sanctions on a recovery residence, is reviewable by the
 283 department. Upon receiving an adverse determination, the
 284 recovery residence may request an administrative hearing
 285 pursuant to ss. 120.569 and 120.57(1) within 30 days after
 286 completing any appeals process offered by the credentialing
 287 entity or the department, as applicable.

288 (11) Notwithstanding any landlord and tenant rights and
 289 obligations under chapter 83, a recovery residence that is
 290 certified under this section and has a discharge policy approved
 291 by a department-recognized credentialing entity may immediately
 292 discharge or transfer a resident in accordance with that policy
 293 under any of the following circumstances:

294 (a) The discharge or transfer is necessary for the
 295 resident's welfare.

296 (b) The resident's needs cannot be met at the recovery
 297 residence.

298 (c) The health and safety of other residents or recovery
 299 residence employees is at risk or would be at risk if the
 300 resident continues to live at the recovery residence.

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301 Section 8. Paragraph (d) is added to subsection (2) of
 302 section 397.4873, Florida Statutes, and subsection (1) of that
 303 section is republished, to read:

304 397.4873 Referrals to or from recovery residences;
 305 prohibitions; penalties.—

306 (1) A service provider licensed under this part may not
 307 make a referral of a prospective, current, or discharged patient
 308 to, or accept a referral of such a patient from, a recovery
 309 residence unless the recovery residence holds a valid
 310 certificate of compliance as provided in s. 397.487 and is
 311 actively managed by a certified recovery residence administrator
 312 as provided in s. 397.4871.

313 (2) Subsection (1) does not apply to:

314 (d) The referral of a patient to, or acceptance of a
 315 referral of such a patient from, a recovery residence that has
 316 no direct or indirect financial or other referral relationship
 317 with the licensed service provider and that is democratically
 318 operated by its residents pursuant to a charter from an entity
 319 recognized or sanctioned by Congress, and where the residence or
 320 any resident of the residence does not receive a benefit,
 321 directly or indirectly, for the referral.

322 Section 9. Paragraph (d) of subsection (1) of section
 323 397.55, Florida Statutes, is amended to read:

324 397.55 Prohibition of deceptive marketing practices.—

325 (1) The Legislature recognizes that consumers of substance

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326 | abuse treatment have disabling conditions and that such
327 | consumers and their families are vulnerable and at risk of being
328 | easily victimized by fraudulent marketing practices that
329 | adversely impact the delivery of health care. To protect the
330 | health, safety, and welfare of this vulnerable population, a
331 | service provider, an operator of a recovery residence, or a
332 | third party who provides any form of advertising or marketing
333 | services to a service provider or an operator of a recovery
334 | residence may not engage in any of the following marketing
335 | practices:

336 | (d) Entering into a contract with a marketing provider who
337 | agrees to generate referrals or leads for the placement of
338 | patients with a service provider or in a recovery residence
339 | through a call center or a web-based presence, unless the
340 | contract requires such agreement and the marketing provider
341 | ~~service provider or the operator of the recovery residence~~
342 | discloses the following to the prospective patient so that the
343 | patient can make an informed health care decision:

344 | 1. Information about the specific licensed service
345 | providers or recovery residences that are represented by the
346 | marketing provider and pay a fee to the marketing provider,
347 | including the identity of such service providers or recovery
348 | residences; and

349 | 2. Clear and concise instructions that allow the
350 | prospective patient to easily access lists of licensed service

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351 providers and recovery residences on the department website.

352 Section 10. Subsection (2) of section 435.07, Florida
 353 Statutes, is amended to read:

354 435.07 Exemptions from disqualification.—Unless otherwise
 355 provided by law, the provisions of this section apply to
 356 exemptions from disqualification for disqualifying offenses
 357 revealed pursuant to background screenings required under this
 358 chapter, regardless of whether those disqualifying offenses are
 359 listed in this chapter or other laws.

360 (2) Persons employed, or applicants for employment, by
 361 treatment providers who treat adolescents 13 years of age and
 362 older who are disqualified from employment solely because of
 363 crimes under s. 796.07(2)(e), s. 810.02(4), s. 812.014(2)(c), s.
 364 817.563, s. 831.01, s. 831.02, s. 893.13, or s. 893.147, or any
 365 related criminal attempt, solicitation, or conspiracy under s.
 366 777.04, may be exempted from disqualification from employment
 367 pursuant to this chapter without application of the waiting
 368 period in subparagraph (1)(a)1.

369 Section 11. Subsection (3) of section 817.505, Florida
 370 Statutes, is amended to read:

371 817.505 Patient brokering prohibited; exceptions;
 372 penalties.—

373 (3) This section shall not apply to the following payment
 374 practices:

375 (a) Any discount, payment, waiver of payment, or payment

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376 practice expressly authorized ~~not prohibited~~ by 42 U.S.C. s.
 377 1320a-7b(b) (3) ~~42 U.S.C. s. 1320a-7b(b)~~ or regulations adopted
 378 ~~promulgated~~ thereunder.

379 (b) Any payment, compensation, or financial arrangement
 380 within a group practice as defined in s. 456.053, provided such
 381 payment, compensation, or arrangement is not to or from persons
 382 who are not members of the group practice.

383 (c) Payments to a health care provider or health care
 384 facility for professional consultation services.

385 (d) Commissions, fees, or other remuneration lawfully paid
 386 to insurance agents as provided under the insurance code.

387 (e) Payments by a health insurer who reimburses, provides,
 388 offers to provide, or administers health, mental health, or
 389 substance abuse goods or services under a health benefit plan.

390 (f) Payments to or by a health care provider or health
 391 care facility, or a health care provider network entity, that
 392 has contracted with a health insurer, a health care purchasing
 393 group, or the Medicare or Medicaid program to provide health,
 394 mental health, or substance abuse goods or services under a
 395 health benefit plan when such payments are for goods or services
 396 under the plan. However, nothing in this section affects whether
 397 a health care provider network entity is an insurer required to
 398 be licensed under the Florida Insurance Code.

399 (g) Insurance advertising gifts lawfully permitted under
 400 s. 626.9541(1) (m) .

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401 (h) Commissions or fees paid to a nurse registry licensed
402 under s. 400.506 for referring persons providing health care
403 services to clients of the nurse registry.

404 (i) Payments by a health care provider or health care
405 facility to a health, mental health, or substance abuse
406 information service that provides information upon request and
407 without charge to consumers about providers of health care goods
408 or services to enable consumers to select appropriate providers
409 or facilities, provided that such information service:

410 1. Does not attempt through its standard questions for
411 solicitation of consumer criteria or through any other means to
412 steer or lead a consumer to select or consider selection of a
413 particular health care provider or health care facility;

414 2. Does not provide or represent itself as providing
415 diagnostic or counseling services or assessments of illness or
416 injury and does not make any promises of cure or guarantees of
417 treatment;

418 3. Does not provide or arrange for transportation of a
419 consumer to or from the location of a health care provider or
420 health care facility; and

421 4. Charges and collects fees from a health care provider
422 or health care facility participating in its services that are
423 set in advance, are consistent with the fair market value for
424 those information services, and are not based on the potential
425 value of a patient or patients to a health care provider or

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426 health care facility or of the goods or services provided by the
 427 health care provider or health care facility.

428 (j) Any activity permitted under s. 429.195(2).

429 Section 12. Paragraph (e) of subsection (5) of section
 430 212.055, Florida Statutes, is amended to read:

431 212.055 Discretionary sales surtaxes; legislative intent;
 432 authorization and use of proceeds.—It is the legislative intent
 433 that any authorization for imposition of a discretionary sales
 434 surtax shall be published in the Florida Statutes as a
 435 subsection of this section, irrespective of the duration of the
 436 levy. Each enactment shall specify the types of counties
 437 authorized to levy; the rate or rates which may be imposed; the
 438 maximum length of time the surtax may be imposed, if any; the
 439 procedure which must be followed to secure voter approval, if
 440 required; the purpose for which the proceeds may be expended;
 441 and such other requirements as the Legislature may provide.
 442 Taxable transactions and administrative procedures shall be as
 443 provided in s. 212.054.

444 (5) COUNTY PUBLIC HOSPITAL SURTAX.—Any county as defined
 445 in s. 125.011(1) may levy the surtax authorized in this
 446 subsection pursuant to an ordinance either approved by
 447 extraordinary vote of the county commission or conditioned to
 448 take effect only upon approval by a majority vote of the
 449 electors of the county voting in a referendum. In a county as
 450 defined in s. 125.011(1), for the purposes of this subsection,

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451 "county public general hospital" means a general hospital as
452 defined in s. 395.002 which is owned, operated, maintained, or
453 governed by the county or its agency, authority, or public
454 health trust.

455 (e) A governing board, agency, or authority shall be
456 chartered by the county commission upon this act becoming law.
457 The governing board, agency, or authority shall adopt and
458 implement a health care plan for indigent health care services.
459 The governing board, agency, or authority shall consist of no
460 more than seven and no fewer than five members appointed by the
461 county commission. The members of the governing board, agency,
462 or authority shall be at least 18 years of age and residents of
463 the county. No member may be employed by or affiliated with a
464 health care provider or the public health trust, agency, or
465 authority responsible for the county public general hospital.
466 The following community organizations shall each appoint a
467 representative to a nominating committee: the South Florida
468 Hospital and Healthcare Association, the Miami-Dade County
469 Public Health Trust, the Dade County Medical Association, the
470 Miami-Dade County Homeless Trust, and the Mayor of Miami-Dade
471 County. This committee shall nominate between 10 and 14 county
472 citizens for the governing board, agency, or authority. The
473 slate shall be presented to the county commission and the county
474 commission shall confirm the top five to seven nominees,
475 depending on the size of the governing board. Until such time as

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476 | the governing board, agency, or authority is created, the funds
477 | provided for in subparagraph (d)2. shall be placed in a
478 | restricted account set aside from other county funds and not
479 | disbursed by the county for any other purpose.

480 | 1. The plan shall divide the county into a minimum of four
481 | and maximum of six service areas, with no more than one
482 | participant hospital per service area. The county public general
483 | hospital shall be designated as the provider for one of the
484 | service areas. Services shall be provided through participants'
485 | primary acute care facilities.

486 | 2. The plan and subsequent amendments to it shall fund a
487 | defined range of health care services for both indigent persons
488 | and the medically poor, including primary care, preventive care,
489 | hospital emergency room care, and hospital care necessary to
490 | stabilize the patient. For the purposes of this section,
491 | "stabilization" means stabilization as defined in s. 397.311 ~~s.~~
492 | ~~397.311(45)~~. Where consistent with these objectives, the plan
493 | may include services rendered by physicians, clinics, community
494 | hospitals, and alternative delivery sites, as well as at least
495 | one regional referral hospital per service area. The plan shall
496 | provide that agreements negotiated between the governing board,
497 | agency, or authority and providers shall recognize hospitals
498 | that render a disproportionate share of indigent care, provide
499 | other incentives to promote the delivery of charity care to draw
500 | down federal funds where appropriate, and require cost

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501 containment, including, but not limited to, case management.
502 From the funds specified in subparagraphs (d)1. and 2. for
503 indigent health care services, service providers shall receive
504 reimbursement at a Medicaid rate to be determined by the
505 governing board, agency, or authority created pursuant to this
506 paragraph for the initial emergency room visit, and a per-member
507 per-month fee or capitation for those members enrolled in their
508 service area, as compensation for the services rendered
509 following the initial emergency visit. Except for provisions of
510 emergency services, upon determination of eligibility,
511 enrollment shall be deemed to have occurred at the time services
512 were rendered. The provisions for specific reimbursement of
513 emergency services shall be repealed on July 1, 2001, unless
514 otherwise reenacted by the Legislature. The capitation amount or
515 rate shall be determined before program implementation by an
516 independent actuarial consultant. In no event shall such
517 reimbursement rates exceed the Medicaid rate. The plan must also
518 provide that any hospitals owned and operated by government
519 entities on or after the effective date of this act must, as a
520 condition of receiving funds under this subsection, afford
521 public access equal to that provided under s. 286.011 as to any
522 meeting of the governing board, agency, or authority the subject
523 of which is budgeting resources for the retention of charity
524 care, as that term is defined in the rules of the Agency for
525 Health Care Administration. The plan shall also include

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526 innovative health care programs that provide cost-effective
527 alternatives to traditional methods of service and delivery
528 funding.

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

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

537 5. At the end of each fiscal year, the governing board,
538 agency, or authority shall prepare an audit that reviews the
539 budget of the plan, delivery of services, and quality of
540 services, and makes recommendations to increase the plan's
541 efficiency. The audit shall take into account participant
542 hospital satisfaction with the plan and assess the amount of
543 poststabilization patient transfers requested, and accepted or
544 denied, by the county public general hospital.

545 Section 13. Section 397.416, Florida Statutes, is amended
546 to read:

547 397.416 Substance abuse treatment services; qualified
548 professional.—Notwithstanding any other provision of law, a
549 person who was certified through a certification process
550 recognized by the former Department of Health and Rehabilitative

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551 Services before January 1, 1995, may perform the duties of a
 552 qualified professional with respect to substance abuse treatment
 553 services as defined in this chapter, and need not meet the
 554 certification requirements contained in s. 397.311(35) ~~s.~~
 555 ~~397.311(34)~~.

556 Section 14. Paragraphs (d) and (g) of subsection (1) of
 557 section 440.102, Florida Statutes, are amended to read:

558 440.102 Drug-free workplace program requirements.—The
 559 following provisions apply to a drug-free workplace program
 560 implemented pursuant to law or to rules adopted by the Agency
 561 for Health Care Administration:

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

564 (d) "Drug rehabilitation program" means a service provider
 565 as defined in s. 397.311 which, ~~established pursuant to s.~~
 566 ~~397.311(43),~~ that provides confidential, timely, and expert
 567 identification, assessment, and resolution of employee drug
 568 abuse.

569 (g) "Employee assistance program" means an established
 570 program capable of providing expert assessment of employee
 571 personal concerns; confidential and timely identification
 572 services with regard to employee drug abuse; referrals of
 573 employees for appropriate diagnosis, treatment, and assistance;
 574 and followup services for employees who participate in the
 575 program or require monitoring after returning to work. If, in

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576 | addition to the above activities, an employee assistance program
577 | provides diagnostic and treatment services, these services shall
578 | in all cases be provided by service providers as defined in s.
579 | 397.311 ~~pursuant to s. 397.311(43)~~.

580 | Section 15. This act shall take effect July 1, 2019.