

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Caruso offered the following:

**Amendment (with title amendment)**

Remove lines 28-125 and insert:

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

397.4073 Background checks of service provider personnel.-

(4) EXEMPTIONS FROM DISQUALIFICATION.-

(b) ~~Since rehabilitated substance abuse impaired persons are effective in the successful treatment and rehabilitation of individuals with substance use disorders,~~ For service providers that ~~which~~ treat adolescents 13 years of age and older, service provider personnel whose background checks indicate crimes under

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14 s. 796.07(2)(e), s. 810.02(4), s. 812.014(2)(c), s. 817.563, s.  
15 831.01, s. 831.02, s. 893.13, or s. 893.147, and any related  
16 criminal attempt, solicitation, or conspiracy under s. 777.04:7

17 1. Shall ~~may~~ be exempted from disqualification from  
18 employment for such offenses pursuant to this paragraph if:

19 a. At least 5 years, or at least 3 years in the case of an  
20 individual seeking certification as a peer specialist under s.  
21 397.417, have elapsed since the applicant requesting an  
22 exemption has completed or has been lawfully released from any  
23 confinement, supervision, or nonmonetary condition imposed by a  
24 court for the applicant's most recent disqualifying offense  
25 under this paragraph.

26 b. The applicant for an exemption has not been arrested  
27 for any offense during the 5 years, or 3 years in the case of a  
28 peer specialist, before the request for exemption.

29 2. May be exempted from disqualification from employment  
30 for such offenses without a waiting period as provided under s.  
31 435.07(2).

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

34 397.487 Voluntary certification of recovery residences.—

35 (6) All owners, directors, and chief financial officers of  
36 an applicant recovery residence are subject to level 2  
37 background screening as provided under s. 408.809 and chapter  
38 435. A recovery residence is ineligible for certification, and a

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

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

51 397.4871 Recovery residence administrator certification.-

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

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

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64 397.4872 Exemption from disqualification; publication.—

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

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

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

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

76 ~~(2)(3) By April 1, 2016, each credentialing entity shall~~  
77 ~~submit a list to the department of all recovery residences and~~  
78 ~~recovery residence administrators certified by the credentialing~~  
79 ~~entity that hold a valid certificate of compliance. Thereafter,~~  
80 The credentialing entity must notify the department within 3  
81 business days after a new recovery residence or recovery  
82 residence administrator is certified or a recovery residence or  
83 recovery residence administrator's certificate expires or is  
84 terminated. The department shall publish on its website a list  
85 of all recovery residences that hold a valid certificate of  
86 compliance. The department shall also publish on its website a  
87 list of all recovery residence administrators who hold a valid  
88 certificate of compliance. A recovery residence or recovery

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89 residence administrator shall be excluded from the list upon  
90 written request to the department by the listed individual or  
91 entity.

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

95 Remove lines 3-17 and insert:

96 s. 397.4073, F.S.; requiring, rather than authorizing,  
97 an exemption from disqualification from employment for  
98 certain substance abuse service provider personnel  
99 under certain circumstances; providing that certain  
100 persons may be granted such exemption without a  
101 waiting period under certain circumstances; amending  
102 ss. 397.487 and 397.4871, F.S.; conforming cross-  
103 references to changes made by the act; amending s.  
104 397.4872, F.S.; removing the authority of the  
105 Department of Children and Families to grant  
106 exemptions from disqualification under ch. 397, F.S.,  
107 under certain circumstances; removing an obsolete  
108 provision; amending s. 397.4873, F.S.;

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