

By Senator Rouson

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1                   A bill to be entitled  
2       An act relating to mental health and substance use  
3       disorders; amending s. 394.455, F.S.; defining the  
4       term "peer specialist"; amending s. 394.4572, F.S.;  
5       requiring a specific level of screening for peer  
6       specialists working in mental health programs and  
7       facilities; amending s. 394.4573, F.S.; specifying  
8       that the use of peer specialists for recovery support  
9       is an essential element of a coordinated system of  
10      behavioral health care; amending s. 397.311, F.S.;  
11      defining the term "peer specialist"; amending s.  
12      397.4073, F.S.; conforming provisions to changes made  
13      by the act; creating s. 397.417, F.S.; providing  
14      legislative findings and intent; authorizing a person  
15      to seek certification as a peer specialist if he or  
16      she meets specified qualifications; requiring a  
17      background screening, completion of a training  
18      program, and a passing score on a competency exam for  
19      a qualified person to obtain certification as a peer  
20      specialist; requiring the Department of Children and  
21      Families to develop a training program for peer  
22      specialists and to give preference to trainers who are  
23      certified peer specialists; requiring the training  
24      program to coincide with a competency exam and to be  
25      based on current practice standards; requiring the  
26      department to certify peer specialists directly or by  
27      designating a nonprofit certification organization;  
28      requiring that a person providing peer specialist  
29      services be certified or supervised by a licensed

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30 behavioral health care professional or a certified  
31 peer specialist; authorizing the department, a  
32 behavioral health managing entity, or the Medicaid  
33 program to reimburse a peer specialist service as a  
34 recovery service; encouraging Medicaid managed care  
35 plans to use peer specialists in providing recovery  
36 services; requiring peer specialists to meet the  
37 requirements of a background screening as a condition  
38 of employment and continued employment; authorizing  
39 the department or the Agency for Health Care  
40 Administration to require by rule that fingerprints be  
41 submitted electronically to the Department of Law  
42 Enforcement; authorizing the Department of Children  
43 and Families or the agency to contract with certain  
44 vendors for fingerprinting; specifying requirements  
45 for vendors; specifying offenses to be considered in  
46 the background screening of a peer specialist;  
47 authorizing a person who does not meet background  
48 screening requirements to request an exemption from  
49 disqualification from the department or the agency;  
50 providing that all peer specialists certified as of  
51 the effective date of this act are recognized as  
52 having met the requirements of this act; amending s.  
53 397.487, F.S.; revising legislative findings relating  
54 to voluntary certification of recovery residences;  
55 requiring recovery residences to comply with specified  
56 Florida Fire Prevention Code provisions; revising  
57 background screening requirements for owners,  
58 directors, and chief financial officers of recovery

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59 residences; amending s. 397.4873, F.S.; providing  
60 exceptions to limitations on referrals by recovery  
61 residences to licensed service providers; prohibiting  
62 recovery residences and specified affiliated  
63 individuals from benefiting from certain referrals;  
64 amending s. 435.07, F.S.; authorizing the exemption of  
65 certain persons from disqualification from employment;  
66 amending ss. 212.055, 394.495, 394.496, 394.9085,  
67 397.416, 409.972, 440.102, 464.012, and 744.2007,  
68 F.S.; conforming cross-references; making technical  
69 changes; providing an effective date.

70

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

72

73 Section 1. Present subsections (32) through (48) of section  
74 394.455, Florida Statutes, are redesignated as subsections (33)  
75 through (49), respectively, and a new subsection (32) is added  
76 to that section, to read:

77 394.455 Definitions.—As used in this part, the term:

78 (32) "Peer specialist" means a person who has been in  
79 recovery from a substance use disorder or mental illness for the  
80 past 2 years or a family member or caregiver of a person with a  
81 substance use disorder or mental illness and who is certified  
82 under s. 397.417.

83 Section 2. Paragraph (a) of subsection (1) of section  
84 394.4572, Florida Statutes, is amended to read:

85 394.4572 Screening of mental health personnel.—

86 (1) (a) The department and the Agency for Health Care  
87 Administration shall require level 2 background screening

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88 pursuant to chapter 435 for mental health personnel. "Mental  
89 health personnel" includes all program directors, professional  
90 clinicians, staff members, and volunteers working in public or  
91 private mental health programs and facilities who have direct  
92 contact with individuals held for examination or admitted for  
93 mental health treatment. For purposes of this chapter,  
94 employment screening of mental health personnel also includes,  
95 but is not limited to, employment screening as provided under  
96 chapter 435 and s. 408.809. The department and the Agency for  
97 Health Care Administration shall require a level 2 background  
98 screening pursuant to s. 397.417(5) for persons working as peer  
99 specialists in public or private mental health programs or  
100 facilities and who have direct contact with individuals held for  
101 involuntary examination or admitted for mental health treatment.

102 Section 3. Paragraph (1) of subsection (2) of section  
103 394.4573, Florida Statutes, is amended to read:

104 394.4573 Coordinated system of care; annual assessment;  
105 essential elements; measures of performance; system improvement  
106 grants; reports.—On or before December 1 of each year, the  
107 department shall submit to the Governor, the President of the  
108 Senate, and the Speaker of the House of Representatives an  
109 assessment of the behavioral health services in this state. The  
110 assessment shall consider, at a minimum, the extent to which  
111 designated receiving systems function as no-wrong-door models,  
112 the availability of treatment and recovery services that use  
113 recovery-oriented and peer-involved approaches, the availability  
114 of less-restrictive services, and the use of evidence-informed  
115 practices. The department's assessment shall consider, at a  
116 minimum, the needs assessments conducted by the managing

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117 entities pursuant to s. 394.9082(5). Beginning in 2017, the  
118 department shall compile and include in the report all plans  
119 submitted by managing entities pursuant to s. 394.9082(8) and  
120 the department's evaluation of each plan.

121 (2) The essential elements of a coordinated system of care  
122 include:

123 (1) Recovery support, including, but not limited to, the  
124 use of peer specialists as described in s. 397.417 to assist in  
125 the individual's recovery from a substance use disorder or  
126 mental illness, support for competitive employment, educational  
127 attainment, independent living skills development, family  
128 support and education, wellness management and self-care, and  
129 assistance in obtaining housing that meets the individual's  
130 needs. Such housing may include mental health residential  
131 treatment facilities, limited mental health assisted living  
132 facilities, adult family care homes, and supportive housing.  
133 Housing provided using state funds must provide a safe and  
134 decent environment free from abuse and neglect.

135 Section 4. Present subsections (30) through (49) of section  
136 397.311, Florida Statutes, are redesignated as subsections (31)  
137 through (50), respectively, and a new subsection (30) is added  
138 to that section, to read:

139 397.311 Definitions.—As used in this chapter, except part  
140 VIII, the term:

141 (30) "Peer specialist" means a person who has been in  
142 recovery from a substance use disorder or mental illness for the  
143 past 2 years or a family member or caregiver of a person with a  
144 substance use disorder or mental illness and who is certified  
145 under s. 397.417.

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146 Section 5. Paragraph (f) of subsection (1) and paragraphs  
147 (b) and (c) of subsection (4) of section 397.4073, Florida  
148 Statutes, are amended to read:

149 397.4073 Background checks of service provider personnel.—

150 (1) PERSONNEL BACKGROUND CHECKS; REQUIREMENTS AND  
151 EXCEPTIONS.—

152 (f) Service provider personnel who request an exemption  
153 from disqualification must submit the request within 30 days  
154 after being notified of the disqualification. If 5 years or more  
155 have elapsed since the most recent disqualifying offense,  
156 service provider personnel may work with adults with mental  
157 health or substance use disorders or co-occurring disorders  
158 under the supervision of a qualified professional licensed under  
159 chapter 490 or chapter 491 or a master's-level-certified  
160 addictions professional until the agency makes a final  
161 determination regarding the request for an exemption from  
162 disqualification.

163 (4) EXEMPTIONS FROM DISQUALIFICATION.—

164 (b) ~~Since rehabilitated substance abuse impaired persons~~  
165 ~~are effective in the successful treatment and rehabilitation of~~  
166 ~~individuals with substance use disorders, for service providers~~  
167 ~~which treat adolescents 13 years of age and older, service~~  
168 ~~provider personnel whose background checks indicate crimes under~~  
169 ~~s. 817.563, s. 893.13, or s. 893.147 may be exempted from~~  
170 ~~disqualification from employment pursuant to this paragraph.~~

171 (e) The department may grant exemptions from  
172 disqualification which would limit service provider personnel to  
173 working with adults in substance use disorder ~~abuse~~ treatment  
174 facilities.

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175 Section 6. Section 397.417, Florida Statutes, is created to  
176 read:

177 397.417 Behavioral health peer specialists.-

178 (1) LEGISLATIVE FINDINGS AND INTENT.-

179 (a) The Legislature finds that:

180 1. The ability to provide adequate behavioral health  
181 services is limited by a shortage of professionals and  
182 paraprofessionals.

183 2. The state is experiencing an increase in opioid  
184 addictions, which prove fatal to persons in many cases.

185 3. Peer specialists provide effective support services  
186 because they share common life experiences with the persons they  
187 assist.

188 4. Peer specialists promote a sense of community among  
189 those in recovery.

190 5. Research has shown that peer support facilitates  
191 recovery and reduces health care costs.

192 6. Peer specialists may have a criminal history that  
193 prevents them from meeting background screening requirements.

194 (b) The Legislature intends to expand the use of peer  
195 specialists as a cost-effective means of providing services by  
196 ensuring that peer specialists meet specified qualifications,  
197 meet modified background screening requirements, and are  
198 adequately reimbursed for their services.

199 (2) QUALIFICATIONS.-

200 (a) A person may seek certification as a peer specialist if  
201 he or she has been in recovery from a substance use disorder or  
202 mental illness for the past 2 years or if he or she is a family  
203 member or caregiver of a person with a substance use disorder or

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204 mental illness.

205 (b) To obtain certification as a peer specialist, a person  
206 must meet the background screening requirements of subsection  
207 (5), complete the training program, and achieve a passing score  
208 on the competency exam described in paragraph (3)(a).

209 (3) DUTIES OF THE DEPARTMENT.—

210 (a) The department shall develop a training program for  
211 persons seeking certification as peer specialists. The  
212 department must give preference to trainers who are certified  
213 peer specialists. The training program must coincide with a  
214 competency exam and be based on current practice standards.

215 (b) The department shall certify peer specialists. The  
216 department may certify peer specialists directly or may  
217 designate a private, nonprofit certification organization to  
218 certify peer specialists, implement the training program, and  
219 administer the competency exam.

220 (c) The department must require that a person providing  
221 peer specialist services be certified or be supervised by a  
222 licensed behavioral health care professional or a certified peer  
223 specialist.

224 (4) PAYMENT.—Peer specialist services may be reimbursed as  
225 a recovery service through the department, a behavioral health  
226 managing entity, or the Medicaid program. Medicaid managed care  
227 plans are encouraged to use peer specialists in providing  
228 recovery services.

229 (5) BACKGROUND SCREENING.—

230 (a) A peer specialist must have completed or have been  
231 lawfully released from confinement, supervision, or any  
232 nonmonetary condition imposed by the court for any felony and



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233 must undergo a background screening as a condition of employment  
234 and continued employment. The background screening must include  
235 fingerprinting for statewide criminal history records checks  
236 through the Department of Law Enforcement and national criminal  
237 history records checks through the Federal Bureau of  
238 Investigation. The background screening may include local  
239 criminal records checks through local law enforcement agencies.

240 (b) The department or the Agency for Health Care  
241 Administration, as applicable, may require by rule that  
242 fingerprints submitted pursuant to this section be submitted  
243 electronically to the Department of Law Enforcement.

244 (c) The department or the Agency for Health Care  
245 Administration, as applicable, may contract with one or more  
246 vendors to perform all or part of the electronic fingerprinting  
247 pursuant to this section. Such contracts must ensure that the  
248 owners and personnel of the vendor performing the electronic  
249 fingerprinting are qualified and will ensure the integrity and  
250 security of all personal identifying information.

251 (d) Vendors who submit fingerprints on behalf of employers  
252 must:

253 1. Meet the requirements of s. 943.053; and  
254 2. Have the ability to communicate electronically with the  
255 department or the Agency for Health Care Administration, as  
256 applicable, and to accept screening results from the Department  
257 of Law Enforcement and provide the applicant's full first name,  
258 middle initial, and last name; social security number or  
259 individual taxpayer identification number; date of birth;  
260 mailing address; sex; and race.

261 (e) The background screening under this section must ensure

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262 that a peer specialist has not, during the previous 3 years,  
263 been arrested for and is awaiting final disposition of, been  
264 found guilty of, regardless of adjudication, or entered a plea  
265 of nolo contendere or guilty to, or been adjudicated delinquent  
266 and the record has not been sealed or expunged for, any felony.

267 (f) The background screening under this section must ensure  
268 that a peer specialist has not been found guilty of, regardless  
269 of adjudication, or entered a plea of nolo contendere or guilty  
270 to, or been adjudicated delinquent and the record has not been  
271 sealed or expunged for, any offense prohibited under any of the  
272 following state laws or similar laws of another jurisdiction:

273 1. Section 393.135, relating to sexual misconduct with  
274 certain developmentally disabled clients and reporting of such  
275 sexual misconduct.

276 2. Section 394.4593, relating to sexual misconduct with  
277 certain mental health patients and reporting of such sexual  
278 misconduct.

279 3. Section 409.9201, relating to Medicaid fraud.

280 4. Section 415.111, relating to adult abuse, neglect, or  
281 exploitation of aged persons or disabled adults.

282 5. Section 741.28, relating to domestic violence.

283 6. Section 777.04, relating to attempts, solicitation, and  
284 conspiracy to commit an offense listed in this section.

285 7. Section 782.04, relating to murder.

286 8. Section 782.07, relating to manslaughter, aggravated  
287 manslaughter of an elderly person or disabled adult, aggravated  
288 manslaughter of a child, or aggravated manslaughter of an  
289 officer, a firefighter, an emergency medical technician, or a  
290 paramedic.

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- 291       9. Section 782.071, relating to vehicular homicide.
- 292       10. Section 782.09, relating to killing of an unborn child  
293 by injury to the mother.
- 294       11. Chapter 784, relating to assault, battery, and culpable  
295 negligence, if the offense was a felony.
- 296       12. Section 787.01, relating to kidnapping.
- 297       13. Section 787.02, relating to false imprisonment.
- 298       14. Section 787.025, relating to luring or enticing a  
299 child.
- 300       15. Section 787.04(2), relating to leading, taking,  
301 enticing, or removing a minor beyond the state limits, or  
302 concealing the location of a minor, with criminal intent pending  
303 custody proceedings.
- 304       16. Section 787.04(3), relating to leading, taking,  
305 enticing, or removing a minor beyond the state limits, or  
306 concealing the location of a minor, with criminal intent pending  
307 dependency proceedings or proceedings concerning alleged abuse  
308 or neglect of a minor.
- 309       17. Section 790.115(1), relating to exhibiting firearms or  
310 weapons within 1,000 feet of a school.
- 311       18. Section 790.115(2)(b), relating to possessing an  
312 electric weapon or device, destructive device, or other weapon  
313 on school property.
- 314       19. Section 794.011, relating to sexual battery.
- 315       20. Former s. 794.041, relating to prohibited acts of  
316 persons in familial or custodial authority.
- 317       21. Section 794.05, relating to unlawful sexual activity  
318 with certain minors.
- 319       22. Section 794.08, relating to female genital mutilation.

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- 320       23. Section 798.02, relating to lewd and lascivious  
321 behavior.
- 322       24. Chapter 800, relating to lewdness and indecent  
323 exposure.
- 324       25. Section 806.01, relating to arson.
- 325       26. Section 810.02, relating to burglary, if the offense  
326 was a felony of the first degree.
- 327       27. Section 810.14, relating to voyeurism, if the offense  
328 was a felony.
- 329       28. Section 810.145, relating to video voyeurism, if the  
330 offense was a felony.
- 331       29. Section 812.13, relating to robbery.
- 332       30. Section 812.131, relating to robbery by sudden  
333 snatching.
- 334       31. Section 812.133, relating to carjacking.
- 335       32. Section 812.135, relating to home-invasion robbery.
- 336       33. Section 817.50, relating to fraudulently obtaining  
337 goods or services from a health care provider and false reports  
338 of a communicable disease.
- 339       34. Section 817.505, relating to patient brokering.
- 340       35. Section 825.102, relating to abuse, aggravated abuse,  
341 or neglect of an elderly person or disabled adult.
- 342       36. Section 825.1025, relating to lewd or lascivious  
343 offenses committed upon or in the presence of an elderly person  
344 or disabled person.
- 345       37. Section 825.103, relating to exploitation of an elderly  
346 person or disabled adult, if the offense was a felony.
- 347       38. Section 826.04, relating to incest.
- 348       39. Section 827.03, relating to child abuse, aggravated

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349 child abuse, or neglect of a child.

350 40. Section 827.04, relating to contributing to the  
351 delinquency or dependency of a child.

352 41. Former s. 827.05, relating to negligent treatment of  
353 children.

354 42. Section 827.071, relating to sexual performance by a  
355 child.

356 43. Section 831.30, relating to fraud in obtaining  
357 medicinal drugs.

358 44. Section 831.31, relating to sale, manufacture,  
359 delivery, possession with intent to sell, manufacture, or  
360 deliver any counterfeit controlled substance if the offense was  
361 a felony.

362 45. Section 843.01, relating to resisting arrest with  
363 violence.

364 46. Section 843.025, relating to depriving a law  
365 enforcement, correctional, or correctional probation officer of  
366 the means of protection or communication.

367 47. Section 843.12, relating to aiding in an escape.

368 48. Section 843.13, relating to aiding in the escape of  
369 juvenile inmates of correctional institutions.

370 49. Chapter 847, relating to obscene literature.

371 50. Section 874.05, relating to encouraging or recruiting  
372 another to join a criminal gang.

373 51. Chapter 893, relating to drug abuse prevention and  
374 control, if the offense was a felony of the second degree or  
375 greater severity.

376 52. Section 895.03, relating to racketeering and collection  
377 of unlawful debts.

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378       53. Section 896.101, relating to the Florida Money  
379 Laundering Act.

380       54. Section 916.1075, relating to sexual misconduct with  
381 certain forensic clients and reporting of such sexual  
382 misconduct.

383       55. Section 944.35(3), relating to inflicting cruel or  
384 inhuman treatment on an inmate resulting in great bodily harm.

385       56. Section 944.40, relating to escape.

386       57. Section 944.46, relating to harboring, concealing, or  
387 aiding an escaped prisoner.

388       58. Section 944.47, relating to introduction of contraband  
389 into a correctional facility.

390       59. Section 985.701, relating to sexual misconduct in  
391 juvenile justice programs.

392       60. Section 985.711, relating to contraband introduced into  
393 detention facilities.

394       (6) EXEMPTION REQUESTS.—A person who wishes to become a  
395 peer specialist and is disqualified under subsection (5) may  
396 request an exemption from disqualification pursuant to s. 435.07  
397 from the department or the Agency for Health Care  
398 Administration, as applicable.

399       (7) GRANDFATHER CLAUSE.—All peer specialists certified as  
400 of the effective date of this act are recognized as having met  
401 the requirements of this act.

402       Section 7. Subsection (1), paragraph (m) of subsection (3),  
403 and subsection (6) of section 397.487, Florida Statutes, are  
404 amended to read:

405       397.487 Voluntary certification of recovery residences.—

406       (1) The Legislature finds that a person suffering from

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407 addiction has a higher success rate of achieving long-lasting  
408 sobriety when given the opportunity to build a stronger  
409 foundation by living in a recovery residence while receiving  
410 treatment or after completing treatment. The Legislature further  
411 finds that this state and its subdivisions have a legitimate  
412 state interest in protecting these persons, who represent a  
413 vulnerable consumer population in need of adequate housing. It  
414 is the intent of the Legislature to protect persons who reside  
415 in a recovery residence.

416 (3) A credentialing entity shall require the recovery  
417 residence to submit the following documents with the completed  
418 application and fee:

419 (m) Proof of satisfactory fire, safety, and health  
420 inspections. A recovery residence must comply with the  
421 provisions of the Florida Fire Prevention Code which apply to  
422 one-family and two-family dwellings, public lodging  
423 establishments, rooming houses, or other housing facilities, as  
424 applicable.

425 (6) All owners, directors, and chief financial officers of  
426 an applicant recovery residence are subject to level 2  
427 background screening as provided under chapter 435 and s.  
428 408.809. A recovery residence is ineligible for certification,  
429 and a credentialing entity shall deny a recovery residence's  
430 application, if any owner, director, or chief financial officer  
431 has been found guilty of, or has entered a plea of guilty or  
432 nolo contendere to, regardless of adjudication, any offense  
433 listed in s. 408.809(4) or s. 435.04(2) unless the department  
434 has issued an exemption under s. 397.4073 or s. 397.4872. In  
435 accordance with s. 435.04, the department shall notify the

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436 credentialing agency of an owner's, director's, or chief  
437 financial officer's eligibility based on the results of his or  
438 her background screening.

439 Section 8. Section 397.4873, Florida Statutes, is amended  
440 to read:

441 397.4873 Referrals to or from recovery residences;  
442 prohibitions; penalties.—

443 (1) A service provider licensed under this part may not  
444 make a referral of a prospective, current, or discharged patient  
445 to, or accept a referral of such a patient from, a recovery  
446 residence unless the recovery residence holds a valid  
447 certificate of compliance as provided in s. 397.487 and is  
448 actively managed by a certified recovery residence administrator  
449 as provided in s. 397.4871.

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

451 (a) A licensed service provider under contract with a  
452 managing entity as defined in s. 394.9082.

453 (b) Referrals by a recovery residence to a licensed service  
454 provider when a resident has experienced a recurrence of  
455 substance use and, in the best judgment of the recovery  
456 residence administrator, it appears that the resident may  
457 benefit from clinical treatment services ~~the recovery residence~~  
458 ~~or its owners, directors, operators, or employees do not~~  
459 ~~benefit, directly or indirectly, from the referral.~~

460 (c) Referrals made before January 1, 2020 ~~July 1, 2018~~, by  
461 a licensed service provider to that licensed service provider's  
462 wholly owned subsidiary, if applications and associated fees are  
463 submitted by July 1, 2019.

464 (3) A recovery residence or its owners, directors,



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465 operators, employees, or volunteers may not receive a pecuniary  
466 benefit, directly or indirectly, from a licensed service  
467 provider for a referral made pursuant to subsection (1) or  
468 subsection (2).

469 (4)~~(3)~~ For purposes of this section, a licensed service  
470 provider or recovery residence shall be considered to have made  
471 a referral if the provider or recovery residence has informed a  
472 patient by any means about the name, address, or other details  
473 of a recovery residence or licensed service provider, or  
474 informed a licensed service provider or a recovery residence of  
475 any identifying details about a patient.

476 (5)~~(4)~~ A licensed service provider shall maintain records  
477 of referrals to or from recovery residences as may be prescribed  
478 by the department in rule.

479 (6)~~(5)~~ After June 30, 2019, a licensed service provider  
480 violating this section shall be subject to an administrative  
481 fine of \$1,000 per occurrence. Repeat violations of this section  
482 may subject a provider to license suspension or revocation  
483 pursuant to s. 397.415.

484 (7)~~(6)~~ Nothing in this section requires a licensed service  
485 provider to refer a patient to or to accept a referral of a  
486 patient from a recovery residence.

487 Section 9. Subsection (2) of section 435.07, Florida  
488 Statutes, is amended to read:

489 435.07 Exemptions from disqualification.—Unless otherwise  
490 provided by law, the provisions of this section apply to  
491 exemptions from disqualification for disqualifying offenses  
492 revealed pursuant to background screenings required under this  
493 chapter, regardless of whether those disqualifying offenses are

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494 listed in this chapter or other laws.

495 (2) Persons employed, or applicants for employment, by  
496 treatment providers who treat adolescents 13 years of age and  
497 older, and who are disqualified from employment solely because  
498 of crimes under s. 796.07(2)(e), s. 810.02(4), s. 812.014(2)(c),  
499 s. 817.563, s. 831.01, s. 831.02, s. 893.13, or s. 893.147, and  
500 any related criminal attempt, solicitation, or conspiracy under  
501 s. 777.04, may be exempted from disqualification from employment  
502 pursuant to this chapter without application of the waiting  
503 period in subparagraph (1)(a)1.

504 Section 10. Paragraph (e) of subsection (5) of section  
505 212.055, Florida Statutes, is amended to read:

506 212.055 Discretionary sales surtaxes; legislative intent;  
507 authorization and use of proceeds.—It is the legislative intent  
508 that any authorization for imposition of a discretionary sales  
509 surtax shall be published in the Florida Statutes as a  
510 subsection of this section, irrespective of the duration of the  
511 levy. Each enactment shall specify the types of counties  
512 authorized to levy; the rate or rates which may be imposed; the  
513 maximum length of time the surtax may be imposed, if any; the  
514 procedure which must be followed to secure voter approval, if  
515 required; the purpose for which the proceeds may be expended;  
516 and such other requirements as the Legislature may provide.  
517 Taxable transactions and administrative procedures shall be as  
518 provided in s. 212.054.

519 (5) COUNTY PUBLIC HOSPITAL SURTAX.—Any county as defined in  
520 s. 125.011(1) may levy the surtax authorized in this subsection  
521 pursuant to an ordinance either approved by extraordinary vote  
522 of the county commission or conditioned to take effect only upon

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523 approval by a majority vote of the electors of the county voting  
524 in a referendum. In a county as defined in s. 125.011(1), for  
525 the purposes of this subsection, "county public general  
526 hospital" means a general hospital as defined in s. 395.002  
527 which is owned, operated, maintained, or governed by the county  
528 or its agency, authority, or public health trust.

529 (e) A governing board, agency, or authority shall be  
530 chartered by the county commission upon this act becoming law.  
531 The governing board, agency, or authority shall adopt and  
532 implement a health care plan for indigent health care services.  
533 The governing board, agency, or authority shall consist of no  
534 more than seven and no fewer than five members appointed by the  
535 county commission. The members of the governing board, agency,  
536 or authority shall be at least 18 years of age and residents of  
537 the county. A ~~No~~ member may not be employed by or affiliated  
538 with a health care provider or the public health trust, agency,  
539 or authority responsible for the county public general hospital.  
540 The following community organizations shall each appoint a  
541 representative to a nominating committee: the South Florida  
542 Hospital and Healthcare Association, the Miami-Dade County  
543 Public Health Trust, the Dade County Medical Association, the  
544 Miami-Dade County Homeless Trust, and the Mayor of Miami-Dade  
545 County. This committee shall nominate between 10 and 14 county  
546 citizens for the governing board, agency, or authority. The  
547 slate shall be presented to the county commission and the county  
548 commission shall confirm the top five to seven nominees,  
549 depending on the size of the governing board. Until such time as  
550 the governing board, agency, or authority is created, the funds  
551 provided for in subparagraph (d)2. shall be placed in a

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552 restricted account set aside from other county funds and not  
553 disbursed by the county for any other purpose.

554 1. The plan shall divide the county into a minimum of four  
555 and maximum of six service areas, with no more than one  
556 participant hospital per service area. The county public general  
557 hospital shall be designated as the provider for one of the  
558 service areas. Services shall be provided through participants'  
559 primary acute care facilities.

560 2. The plan and subsequent amendments to it shall fund a  
561 defined range of health care services for both indigent persons  
562 and the medically poor, including primary care, preventive care,  
563 hospital emergency room care, and hospital care necessary to  
564 stabilize the patient. For the purposes of this section,  
565 "stabilization" means stabilization as defined in s. 397.311 ~~s.~~  
566 ~~397.311(45)~~. Where consistent with these objectives, the plan  
567 may include services rendered by physicians, clinics, community  
568 hospitals, and alternative delivery sites, as well as at least  
569 one regional referral hospital per service area. The plan shall  
570 provide that agreements negotiated between the governing board,  
571 agency, or authority and providers shall recognize hospitals  
572 that render a disproportionate share of indigent care, provide  
573 other incentives to promote the delivery of charity care to draw  
574 down federal funds where appropriate, and require cost  
575 containment, including, but not limited to, case management.  
576 From the funds specified in subparagraphs (d)1. and 2. for  
577 indigent health care services, service providers shall receive  
578 reimbursement at a Medicaid rate to be determined by the  
579 governing board, agency, or authority created pursuant to this  
580 paragraph for the initial emergency room visit, and a per-member

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581 per-month fee or capitation for those members enrolled in their  
582 service area, as compensation for the services rendered  
583 following the initial emergency visit. Except for provisions of  
584 emergency services, upon determination of eligibility,  
585 enrollment shall be deemed to have occurred at the time services  
586 were rendered. The provisions for specific reimbursement of  
587 emergency services shall be repealed on July 1, 2001, unless  
588 otherwise reenacted by the Legislature. The capitation amount or  
589 rate shall be determined before program implementation by an  
590 independent actuarial consultant. In no event shall such  
591 reimbursement rates exceed the Medicaid rate. The plan must also  
592 provide that any hospitals owned and operated by government  
593 entities on or after the effective date of this act must, as a  
594 condition of receiving funds under this subsection, afford  
595 public access equal to that provided under s. 286.011 as to any  
596 meeting of the governing board, agency, or authority the subject  
597 of which is budgeting resources for the retention of charity  
598 care, as that term is defined in the rules of the Agency for  
599 Health Care Administration. The plan shall also include  
600 innovative health care programs that provide cost-effective  
601 alternatives to traditional methods of service and delivery  
602 funding.

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

607 4. Eligible residents who participate in the health care  
608 plan shall receive coverage for a period of 12 months or the  
609 period extending from the time of enrollment to the end of the

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610 current fiscal year, per enrollment period, whichever is less.

611 5. At the end of each fiscal year, the governing board,  
612 agency, or authority shall prepare an audit that reviews the  
613 budget of the plan, delivery of services, and quality of  
614 services, and makes recommendations to increase the plan's  
615 efficiency. The audit shall take into account participant  
616 hospital satisfaction with the plan and assess the amount of  
617 poststabilization patient transfers requested, and accepted or  
618 denied, by the county public general hospital.

619 Section 11. Subsection (3) of section 394.495, Florida  
620 Statutes, is amended to read:

621 394.495 Child and adolescent mental health system of care;  
622 programs and services.—

623 (3) Assessments must be performed by:

624 (a) A professional as defined in s. 394.455(5), (7), (33)  
625 ~~(32)~~, (36) ~~(35)~~, or (37) ~~(36)~~;

626 (b) A professional licensed under chapter 491; or

627 (c) A person who is under the direct supervision of a  
628 qualified professional as defined in s. 394.455(5), (7), (33)  
629 ~~(32)~~, (36) ~~(35)~~, or (37) ~~(36)~~ or a professional licensed under  
630 chapter 491.

631 Section 12. Subsection (5) of section 394.496, Florida  
632 Statutes, is amended to read:

633 394.496 Service planning.—

634 (5) A professional as defined in s. 394.455(5), (7), (33)  
635 ~~(32)~~, (36) ~~(35)~~, or (37) ~~(36)~~ or a professional licensed under  
636 chapter 491 must be included among those persons developing the  
637 services plan.

638 Section 13. Subsection (6) of section 394.9085, Florida

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639 Statutes, is amended to read:

640 394.9085 Behavioral provider liability.—

641 (6) For purposes of this section, the term ~~terms~~  
 642 “detoxification services~~,”~~ has the same meaning as  
 643 detoxification in s. 397.311(26) (a), “addictions receiving  
 644 facility,” has the same meaning as provided in s.  
 645 397.311(26) (a), and “receiving facility” has have the same  
 646 meaning ~~meanings~~ as those provided in s. 394.455 ~~ss.~~  
 647 ~~397.311(26) (a) 4., 397.311(26) (a) 1., and 394.455(39),~~  
 648 ~~respectively.~~

649 Section 14. Section 397.416, Florida Statutes, is amended  
 650 to read:

651 397.416 Substance use disorder ~~abuse~~ treatment services;  
 652 qualified professional.—Notwithstanding any other provision of  
 653 law, a person who was certified through a certification process  
 654 recognized by the former Department of Health and Rehabilitative  
 655 Services before January 1, 1995, may perform the duties of a  
 656 qualified professional with respect to substance use ~~abuse~~  
 657 treatment services as defined in this chapter, and need not meet  
 658 the certification requirements contained in s. 397.311(35) ~~s.~~  
 659 ~~397.311(34).~~

660 Section 15. Paragraph (b) of subsection (1) of section  
 661 409.972, Florida Statutes, is amended to read:

662 409.972 Mandatory and voluntary enrollment.—

663 (1) The following Medicaid-eligible persons are exempt from  
 664 mandatory managed care enrollment required by s. 409.965, and  
 665 may voluntarily choose to participate in the managed medical  
 666 assistance program:

667 (b) Medicaid recipients residing in residential commitment

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668 facilities operated through the Department of Juvenile Justice  
669 or in a treatment facility as defined in s. 394.455 ~~s.~~  
670 ~~394.455(47)~~.

671 Section 16. Paragraphs (d) and (g) of subsection (1) of  
672 section 440.102, Florida Statutes, are amended to read:

673 440.102 Drug-free workplace program requirements.—The  
674 following provisions apply to a drug-free workplace program  
675 implemented pursuant to law or to rules adopted by the Agency  
676 for Health Care Administration:

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

679 (d) "Drug rehabilitation program" means a service provider  
680 as defined in s. 397.311 ~~which, established pursuant to s.~~  
681 ~~397.311(43), that~~ provides confidential, timely, and expert  
682 identification, assessment, and resolution of employee drug  
683 abuse.

684 (g) "Employee assistance program" means an established  
685 program capable of providing expert assessment of employee  
686 personal concerns; confidential and timely identification  
687 services with regard to employee drug abuse; referrals of  
688 employees for appropriate diagnosis, treatment, and assistance;  
689 and followup services for employees who participate in the  
690 program or require monitoring after returning to work. If, in  
691 addition to the above activities, an employee assistance program  
692 provides diagnostic and treatment services, these services shall  
693 in all cases be provided by service providers as defined in s.  
694 397.311 ~~pursuant to s. 397.311(43)~~.

695 Section 17. Paragraph (e) of subsection (4) of section  
696 464.012, Florida Statutes, is amended to read:



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697 464.012 Licensure of advanced practice registered nurses;  
698 fees; controlled substance prescribing.—

699 (4) In addition to the general functions specified in  
700 subsection (3), an advanced practice registered nurse may  
701 perform the following acts within his or her specialty:

702 (e) A psychiatric nurse, who meets the requirements in s.  
703 394.455(36) ~~s. 394.455(35)~~, within the framework of an  
704 established protocol with a psychiatrist, may prescribe  
705 psychotropic controlled substances for the treatment of mental  
706 disorders.

707 Section 18. Subsection (7) of section 744.2007, Florida  
708 Statutes, is amended to read:

709 744.2007 Powers and duties.—

710 (7) A public guardian may not commit a ward to a treatment  
711 facility, as defined in s. 394.455 ~~s. 394.455(47)~~, without an  
712 involuntary placement proceeding as provided by law.

713 Section 19. This act shall take effect July 1, 2019.