

1 A bill to be entitled

2 An act relating to marketing practices for substance
3 abuse services; amending s. 16.56, F.S.; authorizing
4 the Office of Statewide Prosecution in the Department
5 of Legal Affairs to investigate and prosecute patient
6 brokering offenses; amending s. 397.311, F.S.;
7 revising the term "clinical treatment"; defining the
8 terms "clinical supervisor" and "recovery support
9 specialist"; conforming a cross-reference; amending s.
10 397.321, F.S.; requiring the Department of Children
11 and Families to recognize a certification process for
12 recovery support specialists; amending s. 397.401,
13 F.S.; increasing penalties for operating without a
14 license; renumbering and amending s. 397.405, F.S.;
15 conforming a cross-reference; amending s. 397.403,
16 F.S.; requiring additional information to be provided
17 in a licensure application; requiring accreditation
18 for certain licensure renewals; conforming a cross-
19 reference; amending s. 397.407, F.S.; requiring
20 licensure fees to cover the cost of regulation;
21 requiring background screening for owners, directors,
22 chief financial officers, and clinical supervisors;
23 limiting the instances in which the department may
24 issue a probationary license; revising limitations on
25 referrals to recovery residences; renumbering and

26 | amending s. 397.451, F.S.; requiring clinical
27 | supervisors to undergo background screening; creating
28 | s. 397.410, F.S.; requiring the department to
29 | establish minimum standards for licensure of substance
30 | abuse service components; specifying standards,
31 | procedures, and staffing requirements; directing the
32 | department to establish the scope of deficiency by
33 | rule; requiring the department to complete certain
34 | steps in the rulemaking process by specific dates;
35 | amending s. 397.411, F.S.; authorizing the department
36 | to conduct announced and unannounced inspections;
37 | establishing classes of violations for substance abuse
38 | service providers; amending s. 397.415, F.S.;
39 | providing criteria for the department to impose a
40 | fine, corrective action plan, immediate moratorium, or
41 | emergency suspension; providing criteria for the
42 | department to deny, suspend, or revoke a license;
43 | repealing s. 397.471, F.S., relating to service
44 | provider facility standards; creating s. 397.4873,
45 | F.S.; limiting referrals to and from recovery
46 | residences; defining the term "refer"; requiring a
47 | service provider to maintain certain referral records;
48 | providing penalties; amending s. 397.501, F.S.;
49 | providing that an application for the disclosure of an
50 | individual's records may be filed as part of an active

51 criminal investigation; authorizing a court to approve
52 an application for the disclosure of an individual's
53 substance abuse treatment records without providing
54 express notice of the application to the individual or
55 identified parties with an interest in the records if
56 the application is filed as part of an active criminal
57 investigation; providing that upon implementation of
58 the order granting such application, the individual
59 and identified parties with an interest in the records
60 must be afforded an opportunity to seek revocation or
61 amendment of that order; creating s. 397.55, F.S.;
62 providing legislative findings; prohibiting service
63 providers, operators of recovery residences, and
64 certain third parties from engaging in specified
65 marketing practices; providing penalties; creating s.
66 817.0345, F.S.; prohibiting a person from knowingly
67 and willfully making specified false or misleading
68 statements or providing specified false or misleading
69 information under certain circumstances; providing
70 penalties; amending s. 817.505, F.S.; providing that
71 it is unlawful for a person to offer or pay, or
72 solicit or receive, benefits under certain
73 circumstances; providing fines and penalties; amending
74 s. 895.02, F.S.; revising the definition of the term
75 "racketeering activity"; amending s. 921.0022, F.S.;

76 reclassifying the offense of patient brokering on the
77 offense severity ranking chart of the Criminal
78 Punishment Code; amending ss. 212.055, 394.4573,
79 394.9085, 397.416, 397.753, 409.1757, 440.102, and
80 985.045, F.S.; conforming cross-references; providing
81 an effective date.

82
83 Be It Enacted by the Legislature of the State of Florida:

84
85 Section 1. Paragraph (a) of subsection (1) of section
86 16.56, Florida Statutes, is amended to read:

87 16.56 Office of Statewide Prosecution.—

88 (1) There is created in the Department of Legal Affairs an
89 Office of Statewide Prosecution. The office shall be a separate
90 "budget entity" as that term is defined in chapter 216. The
91 office may:

92 (a) Investigate and prosecute the offenses of:

93 1. Bribery, burglary, criminal usury, extortion, gambling,
94 kidnapping, larceny, murder, prostitution, perjury, robbery,
95 carjacking, ~~and~~ home-invasion robbery, and patient brokering;

96 2. Any crime involving narcotic or other dangerous drugs;

97 3. Any violation of the Florida RICO (Racketeer Influenced
98 and Corrupt Organization) Act, including any offense listed in
99 the definition of racketeering activity in s. 895.02(8)(a),
100 providing such listed offense is investigated in connection with

101 a violation of s. 895.03 and is charged in a separate count of
102 an information or indictment containing a count charging a
103 violation of s. 895.03, the prosecution of which listed offense
104 may continue independently if the prosecution of the violation
105 of s. 895.03 is terminated for any reason;

106 4. Any violation of the Florida Anti-Fencing Act;

107 5. Any violation of the Florida Antitrust Act of 1980, as
108 amended;

109 6. Any crime involving, or resulting in, fraud or deceit
110 upon any person;

111 7. Any violation of s. 847.0135, relating to computer
112 pornography and child exploitation prevention, or any offense
113 related to a violation of s. 847.0135 or any violation of
114 chapter 827 where the crime is facilitated by or connected to
115 the use of the Internet or any device capable of electronic data
116 storage or transmission;

117 8. Any violation of chapter 815;

118 9. Any criminal violation of part I of chapter 499;

119 10. Any violation of the Florida Motor Fuel Tax Relief Act
120 of 2004;

121 11. Any criminal violation of s. 409.920 or s. 409.9201;

122 12. Any crime involving voter registration, voting, or
123 candidate or issue petition activities;

124 13. Any criminal violation of the Florida Money Laundering
125 Act;

126 14. Any criminal violation of the Florida Securities and
127 Investor Protection Act; or

128 15. Any violation of chapter 787, as well as any and all
129 offenses related to a violation of chapter 787;

130
131 or any attempt, solicitation, or conspiracy to commit any of the
132 crimes specifically enumerated above. The office shall have such
133 power only when any such offense is occurring, or has occurred,
134 in two or more judicial circuits as part of a related
135 transaction, or when any such offense is connected with an
136 organized criminal conspiracy affecting two or more judicial
137 circuits. Informations or indictments charging such offenses
138 shall contain general allegations stating the judicial circuits
139 and counties in which crimes are alleged to have occurred or the
140 judicial circuits and counties in which crimes affecting such
141 circuits or counties are alleged to have been connected with an
142 organized criminal conspiracy.

143 Section 2. Subsections (8) through (38) and (39) through
144 (48) of section 397.311, Florida Statutes, are renumbered as
145 subsections (9) through (39) and (41) through (50),
146 respectively, paragraph (a) of present subsection (25) and
147 present subsection (41) are amended, and new subsections (8) and
148 (40) are added to that section, to read:

149 397.311 Definitions.—As used in this chapter, except part
150 VIII, the term:

151 (8) "Clinical supervisor" means a person who manages
152 personnel who provide direct clinical treatment.

153 ~~(26)-(25)~~ Licensed service components include a
154 comprehensive continuum of accessible and quality substance
155 abuse prevention, intervention, and clinical treatment services,
156 including the following services:

157 (a) "Clinical treatment" means a professionally directed,
158 deliberate, and planned regimen of services and interventions
159 that are designed to reduce or eliminate the misuse of drugs and
160 alcohol and promote a healthy, drug-free lifestyle, which may
161 only be provided by an individual licensed or certified under
162 chapter 464, a qualified professional, a recovery support
163 specialist, or other professional as provided by rule. As
164 defined by rule, "clinical treatment services" include, but are
165 not limited to, the following licensable service components:

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

172 2. "Day or night treatment" is a service provided in a
173 nonresidential environment, with a structured schedule of
174 treatment and rehabilitative services.

175 3. "Day or night treatment with community housing" means a

176 program intended for individuals who can benefit from living
177 independently in peer community housing while participating in
178 treatment services for a minimum of 5 hours a day for a minimum
179 of 25 hours per week.

180 4. "Detoxification" is a service involving subacute care
181 that is provided on an inpatient or an outpatient basis to
182 assist individuals to withdraw from the physiological and
183 psychological effects of substance abuse and who meet the
184 placement criteria for this component.

185 5. "Intensive inpatient treatment" includes a planned
186 regimen of evaluation, observation, medical monitoring, and
187 clinical protocols delivered through an interdisciplinary team
188 approach provided 24 hours per day, 7 days per week, in a highly
189 structured, live-in environment.

190 6. "Intensive outpatient treatment" is a service that
191 provides individual or group counseling in a more structured
192 environment, is of higher intensity and duration than outpatient
193 treatment, and is provided to individuals who meet the placement
194 criteria for this component.

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

200 8. "Outpatient treatment" is a service that provides

201 individual, group, or family counseling by appointment during
202 scheduled operating hours for individuals who meet the placement
203 criteria for this component.

204 9. "Residential treatment" is a service provided in a
205 structured live-in environment within a nonhospital setting on a
206 24-hours-per-day, 7-days-per-week basis, and is intended for
207 individuals who meet the placement criteria for this component.

208 (40) "Recovery support specialist" means a person who is
209 in stable recovery from substance abuse, whose life experiences
210 and recovery allow him or her to provide peer-to-peer recovery
211 support, and who is certified by an organization that is
212 approved by the department pursuant to s. 397.321(15).

213 (42)~~(41)~~ "Service component" or "component" means a
214 discrete operational entity within a service provider which is
215 subject to licensing as defined by rule. Service components
216 include prevention, intervention, and clinical treatment
217 described in subsection (26) ~~(25)~~.

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

220 397.321 Duties of the department.—The department shall:

221 (15) Recognize a statewide certification process for
222 addiction professionals and recovery support specialists and
223 identify and endorse one or more agencies responsible for such
224 certification of service provider personnel.

225 Section 4. Subsection (2) of section 397.401, Florida

226 Statutes, is amended to read:

227 397.401 License required; penalty; injunction; rules
228 waivers.—

229 (2) A violation of subsection (1) is a felony ~~misdemeanor~~
230 of the third ~~first~~ degree, punishable as provided in s. 775.082,
231 ~~or~~ s. 775.083, or s. 775.084.

232 Section 5. Section 397.405, Florida Statutes, is
233 renumbered as 397.4012, Florida Statutes, and amended to read:

234 397.4012 ~~397.405~~ Exemptions from licensure.—The following
235 are exempt from the licensing provisions of this chapter:

236 (1) A hospital or hospital-based component licensed under
237 chapter 395.

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

239 (3) A substance abuse education program established
240 pursuant to s. 1003.42.

241 (4) A facility or institution operated by the Federal
242 Government.

243 (5) A physician or physician assistant licensed under
244 chapter 458 or chapter 459.

245 (6) A psychologist licensed under chapter 490.

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

248 (8) A legally cognizable church or nonprofit religious
249 organization or denomination providing substance abuse services,
250 including prevention services, which are solely religious,

251 spiritual, or ecclesiastical in nature. A church or nonprofit
252 religious organization or denomination providing any of the
253 licensed service components itemized under s. 397.311(26)
254 ~~397.311(25)~~ is not exempt from substance abuse licensure but
255 retains its exemption with respect to all services which are
256 solely religious, spiritual, or ecclesiastical in nature.

257 (9) Facilities licensed under chapter 393 which, in
258 addition to providing services to persons with developmental
259 disabilities, also provide services to persons developmentally
260 at risk as a consequence of exposure to alcohol or other legal
261 or illegal drugs while in utero.

262 (10) DUI education and screening services provided
263 pursuant to ss. 316.192, 316.193, 322.095, 322.271, and 322.291.
264 Persons or entities providing treatment services must be
265 licensed under this chapter unless exempted from licensing as
266 provided in this section.

267 (11) A facility licensed under s. 394.875 as a crisis
268 stabilization unit.

269
270 The exemptions from licensure in this section do not apply to
271 any service provider that receives an appropriation, grant, or
272 contract from the state to operate as a service provider as
273 defined in this chapter or to any substance abuse program
274 regulated pursuant to s. 397.4014 ~~397.406~~. Furthermore, this
275 chapter may not be construed to limit the practice of a

276 physician or physician assistant licensed under chapter 458 or
277 chapter 459, a psychologist licensed under chapter 490, a
278 psychotherapist licensed under chapter 491, or an advanced
279 registered nurse practitioner licensed under part I of chapter
280 464, who provides substance abuse treatment, so long as the
281 physician, physician assistant, psychologist, psychotherapist,
282 or advanced registered nurse practitioner does not represent to
283 the public that he or she is a licensed service provider and
284 does not provide services to individuals pursuant to part V of
285 this chapter. Failure to comply with any requirement necessary
286 to maintain an exempt status under this section is a misdemeanor
287 of the first degree, punishable as provided in s. 775.082 or s.
288 775.083.

289 Section 6. Section 397.406, Florida Statutes, is
290 renumbered as section 397.4014, Florida Statutes.

291 Section 7. Section 397.403, Florida Statutes, is amended
292 to read:

293 397.403 License application.—

294 (1) Applicants for a license under this chapter must apply
295 to the department on forms provided by the department and in
296 accordance with rules adopted by the department. Applications
297 must include at a minimum:

298 (a) Information establishing the name and address of the
299 applicant service provider and its director, and also of each
300 member, owner, officer, and shareholder, if any.

301 (b) Information establishing the competency and ability of
302 the applicant service provider and its director to carry out the
303 requirements of this chapter.

304 (c) Proof satisfactory to the department of the applicant
305 service provider's financial ability and organizational
306 capability to operate in accordance with this chapter.

307 (d) Proof of liability insurance coverage in amounts set
308 by the department by rule.

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

312 ~~1. If the results of the background screening indicate~~
313 ~~that any owner, director, or chief financial officer has been~~
314 ~~found guilty of, regardless of adjudication, or has entered a~~
315 ~~plea of nolo contendere or guilty to any offense prohibited~~
316 ~~under the screening standard, a license may not be issued to the~~
317 ~~applicant service provider unless an exemption from~~
318 ~~disqualification has been granted by the department as set forth~~
319 ~~in chapter 435. The owner, director, or chief financial officer~~
320 ~~has 90 days within which to obtain the required exemption,~~
321 ~~during which time the applicant's license remains in effect.~~

322 ~~2. If any owner, director, or chief financial officer is~~
323 ~~arrested or found guilty of, regardless of adjudication, or has~~
324 ~~entered a plea of nolo contendere or guilty to any offense~~
325 ~~prohibited under the screening standard while acting in that~~

326 ~~capacity, the provider shall immediately remove the person from~~
327 ~~that position and shall notify the department within 2 days~~
328 ~~after such removal, excluding weekends and holidays. Failure to~~
329 ~~remove the owner, director, or chief financial officer will~~
330 ~~result in revocation of the provider's license.~~

331 (f) Proof of satisfactory fire, safety, and health
332 inspections, and compliance with local zoning ordinances.
333 Service providers operating under a regular annual license shall
334 have 18 months from the expiration date of their regular license
335 within which to meet local zoning requirements. Applicants for a
336 new license must demonstrate proof of compliance with zoning
337 requirements prior to the department issuing a probationary
338 license.

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

- 342 1. Any new applicant; or
343 2. Any licensed service provider adding a new licensable
344 service component.

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

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

350 (2)~~(3)~~ The department shall accept proof of accreditation

351 by an accrediting organization whose standards incorporate
352 comparable licensure regulations required by this state, or
353 through another nationally recognized certification process that
354 is acceptable to the department and meets the minimum licensure
355 requirements under this chapter, in lieu of requiring the
356 applicant to submit the information required by paragraphs
357 (1) (a) - (c).

358 (3) Applications for licensure renewal must include proof
359 of application for accreditation for each licensed service
360 component providing clinical treatment by an accrediting
361 organization that is acceptable to the department for the first
362 renewal, and proof of accreditation for any subsequent renewals.

363 (4)~~(2)~~ The burden of proof with respect to any requirement
364 for application for licensure as a service provider under this
365 chapter is on the applicant.

366 Section 8. Subsections (5) through (10) of section
367 397.407, Florida Statutes, are renumbered as subsections (6)
368 through (11), respectively, present subsections (1), (5), (6),
369 and (11) are amended, and a new subsection (5) is added to that
370 section, to read:

371 397.407 Licensure process; fees.—

372 (1) The department shall establish the licensure process
373 to include fees and categories of licenses and must prescribe a
374 fee range that is based, at least in part, on the number and
375 complexity of programs listed in s. 397.311(26) ~~397.311(25)~~

376 | which are operated by a licensee. The fees from the licensure of
377 | service components are sufficient to cover ~~at least 50 percent~~
378 | ~~of~~ the costs of regulating the service components. The
379 | department shall specify a fee range for public and privately
380 | funded licensed service providers. Fees for privately funded
381 | licensed service providers must exceed the fees for publicly
382 | funded licensed service providers.

383 | (5) The department shall conduct background screening, as
384 | provided in s. 397.4073, as part of the licensure application
385 | for all owners, directors, chief financial officers, and
386 | clinical supervisors. If the results of the background screening
387 | indicate that the individual has been found guilty of,
388 | regardless of adjudication, or has entered a plea of nolo
389 | contendere or guilty to any offense prohibited under the
390 | screening standard, a license may not be issued to the applicant
391 | service provider unless an exemption from disqualification has
392 | been granted by the department as set forth in chapter 435. The
393 | individual has 90 days within which to obtain the required
394 | exemption, during which time the applicant's license remains in
395 | effect.

396 | ~~(6)-(5)~~ The department may issue probationary, regular, and
397 | interim licenses. The department shall issue one license for
398 | each service component that is operated by a service provider
399 | and defined pursuant to s. 397.311(26) ~~397.311(25)~~. The license
400 | is valid only for the specific service components listed for

401 each specific location identified on the license. The licensed
402 service provider shall apply for a new license at least 60 days
403 before the addition of any service components or 30 days before
404 the relocation of any of its service sites. Provision of service
405 components or delivery of services at a location not identified
406 on the license may be considered an unlicensed operation that
407 authorizes the department to seek an injunction against
408 operation as provided in s. 397.401, in addition to other
409 sanctions authorized by s. 397.415. Probationary and regular
410 licenses may be issued only after all required information has
411 been submitted. A license may not be transferred. As used in
412 this subsection, the term "transfer" includes, but is not
413 limited to, the transfer of a majority of the ownership interest
414 in the licensed entity or transfer of responsibilities under the
415 license to another entity by contractual arrangement.

416 (7) ~~(6)~~ Upon receipt of a complete application, payment of
417 applicable fees, and a demonstration of substantial compliance
418 with all applicable statutory and regulatory requirements, the
419 department may issue a probationary license ~~may be issued~~ to a
420 service provider applicant with ~~in the initial stages of~~
421 ~~developing~~ services that are not yet fully operational. The
422 department may not issue a probationary license when doing so
423 would place the health, safety, or welfare of individuals at
424 risk upon completion of all application requirements itemized in
425 s. 397.403(1) and upon demonstration of the applicant's ability

426 ~~to comply with all applicable statutory and regulatory~~
427 ~~requirements.~~ A probationary license expires 90 days after
428 issuance and may not be reissued ~~once for an additional 90-day~~
429 ~~period if the applicant has substantially complied with all~~
430 ~~requirements for regular licensure or has initiated action to~~
431 ~~satisfy all requirements.~~ During the probationary period the
432 department shall monitor the delivery of services.
433 Notwithstanding s. 120.60(5), the department may order a
434 probationary licensee to cease and desist operations at any time
435 it is found to be substantially out of compliance with licensure
436 standards. This cease-and-desist order is exempt from the
437 requirements of s. 120.60(6).

438 ~~(11) Effective July 1, 2016, a service provider licensed~~
439 ~~under this part may not refer a current or discharged patient to~~
440 ~~a recovery residence unless the recovery residence holds a valid~~
441 ~~certificate of compliance as provided in s. 397.487 and is~~
442 ~~actively managed by a certified recovery residence administrator~~
443 ~~as provided in s. 397.4871 or the recovery residence is owned~~
444 ~~and operated by a licensed service provider or a licensed~~
445 ~~service provider's wholly owned subsidiary. For purposes of this~~
446 ~~subsection, the term "refer" means to inform a patient by any~~
447 ~~means about the name, address, or other details of the recovery~~
448 ~~residence. However, this subsection does not require a licensed~~
449 ~~service provider to refer any patient to a recovery residence.~~

450 Section 9. Section 397.451, Florida Statutes, is

451 renumbered as section 397.4073, Florida Statutes, and paragraph
452 (a) of subsection (1), subsection (2), and paragraph (b) of
453 subsection (3) of that section are amended to read:

454 397.4073 ~~397.451~~ Background checks of service provider
455 personnel.—

456 (1) PERSONNEL BACKGROUND CHECKS; REQUIREMENTS AND
457 EXCEPTIONS.—

458 (a) Background checks shall apply as follows:

459 1. All owners, directors, ~~and~~ chief financial officers,
460 and clinical supervisors of service providers are subject to
461 level 2 background screening as provided under chapter 435.
462 Inmate substance abuse programs operated directly or under
463 contract with the Department of Corrections are exempt from this
464 requirement.

465 2. All service provider personnel who have direct contact
466 with children receiving services or with adults who are
467 developmentally disabled receiving services are subject to level
468 2 background screening as provided under chapter 435.

469 (2) EMPLOYMENT HISTORY CHECKS; CHECKS OF REFERENCES.—The
470 department shall assess employment history checks and checks of
471 references for all owners, directors, and chief financial
472 officers, and the directors and clinical supervisors shall
473 assess employment history checks and checks of references for
474 each employee who has direct contact with children receiving
475 services or adults who are developmentally disabled receiving

476 services.

477 (3) PERSONNEL EXEMPT FROM BEING REFINGERPRINTED OR
 478 RECHECKED.—

479 (b) Service provider owners, directors, ~~or~~ chief financial
 480 officers, or clinical supervisors who are not covered by
 481 paragraph (a) who provide proof of compliance with the level 2
 482 background screening requirements which has been submitted
 483 within the previous 5 years in compliance with any other state
 484 health care licensure requirements are not required to be
 485 refingerprinted or rechecked.

486 Section 10. Section 397.461, Florida Statutes, is
 487 renumbered as section 397.4075, Florida Statutes.

488 Section 11. Section 397.410, Florida Statutes, is created
 489 to read:

490 397.410 Licensure requirements; minimum standards; rules.—

491 (1) The department shall establish minimum requirements
 492 for licensure of each licensed service component, as defined in
 493 s. 397.311(26), including, but not limited to:

494 (a) Standards and procedures for the administrative
 495 management of the licensed service component, including
 496 procedures for recordkeeping, referrals, and financial
 497 management.

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

501 (c) The number and qualifications of all personnel,
502 including, but not limited to, management, nursing, and
503 qualified professionals, having responsibility for any part of
504 an individual's clinical treatment. These requirements must
505 include, but are not limited to:

506 1. Minimum staffing ratios to provide adequate safety,
507 care, and treatment.

508 2. Hours of staff coverage.

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

511 4. The maximum number of licensed service providers for
512 which a physician may serve as medical director and the total
513 number of individuals he or she may treat in that capacity.

514 (d) Service provider facility standards, including, but
515 not limited to:

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

517 2. Space, furnishings, and equipment for each individual
518 served.

519 3. Infection control, housekeeping, sanitation, and
520 facility maintenance.

521 4. Meals and snacks.

522 (e) Disaster planning policies and procedures.

523 (2) The department shall adopt rules to provide that, if
524 the criteria established under subsection (1) are not met, such
525 deficiencies shall be classified according to the nature and the

526 scope of the deficiency. The scope shall be cited as isolated,
527 patterned, or widespread. The department shall indicate the
528 classification on the face of the notice of deficiencies in
529 accordance with s. 397.411.

530 (a) An isolated deficiency is a deficiency affecting one
531 or a very limited number of individuals or involving one or a
532 very limited number of staff, or a situation that occurred only
533 occasionally or in a very limited number of locations.

534 (b) A patterned deficiency is a deficiency where more than
535 a very limited number of individuals are affected or more than a
536 very limited number of staff are involved, the situation has
537 occurred in several locations, or the same individual or
538 individuals have been affected by repeated occurrences of the
539 same deficient practice but the effect of the deficient practice
540 is not found to be pervasive throughout the facility.

541 (c) A widespread deficiency is a deficiency in which the
542 problems causing the deficiency are pervasive throughout the
543 facility or represent systemic failure that has affected or has
544 the potential to affect a large portion of individuals.

545 (3) By October 1, 2017, the department shall publish a
546 notice of development of rulemaking, and by January 1, 2018, the
547 department shall publish a notice of proposed rule pursuant to s
548 120.54(3)(a) to implement the provisions of this section.

549 Section 12. Section 397.419, Florida Statutes, is
550 renumbered as section 397.4103, Florida Statutes.

551 Section 13. Paragraph (a) of subsection (1) and subsection
552 (4) of section 397.411, Florida Statutes, are amended, and
553 subsection (7) is added to that section, to read:

554 397.411 Inspection; right of entry; classification of
555 violations; records.—

556 (1) (a) An authorized agent of the department may conduct
557 announced or unannounced inspections, ~~enter and inspect~~ at any
558 time, of a licensed service provider to determine whether it is
559 in compliance with statutory and regulatory requirements,
560 including, but not limited to, the minimum requirements for
561 licensure in s. 397.410.

562 (4) The authorized agents of the department may ~~shall~~
563 schedule periodic inspections of licensed service providers in
564 order to minimize costs and the disruption of services; however,
565 such authorized agents may inspect the facilities of any
566 licensed service provider at any time.

567 (7) Violations of this part or applicable rules shall be
568 classified according to the nature of the violation and the
569 gravity of its probable effect on an individual receiving
570 substance abuse treatment. Violations shall be classified on the
571 written notice as follows:

572 (a) Class "I" violations are those conditions or
573 occurrences related to the operation and maintenance of a
574 service component or to the treatment of an individual which the
575 department determines present an imminent danger or a

576 substantial probability that death or serious physical or
577 emotional harm would result therefrom. The condition or practice
578 constituting a class I violation shall be abated or eliminated
579 within 24 hours, unless a fixed period, as determined by the
580 department, is required for correction. The department shall
581 impose an administrative fine as provided by law for a cited
582 class I violation. A fine shall be levied notwithstanding the
583 correction of the violation.

584 (b) Class "II" violations are those conditions or
585 occurrences related to the operation and maintenance of a
586 service component or to the treatment of an individual which the
587 department determines directly threaten the physical or
588 emotional health, safety, or security of the individual, other
589 than class I violations. The department shall impose an
590 administrative fine as provided by law for a cited class II
591 violation. A fine shall be levied notwithstanding the correction
592 of the violation.

593 (c) Class "III" violations are those conditions or
594 occurrences related to the operation and maintenance of a
595 service component or to the treatment of an individual which the
596 department determines indirectly or potentially threaten the
597 physical or emotional health, safety, or security of the
598 individual, other than class I or class II violations. The
599 department shall impose an administrative fine as provided in
600 this section for a cited class III violation. A citation for a

601 class III violation must specify the time within which the
602 violation is required to be corrected. If a class III violation
603 is corrected within the time specified, a fine may not be
604 imposed.

605 (d) Class "IV" violations are those conditions or
606 occurrences related to the operation and maintenance of a
607 service component or to required reports, forms, or documents
608 that do not have the potential of negatively affecting an
609 individual. These violations are of a type that the department
610 determines do not threaten the health, safety, or security of an
611 individual. The department shall impose an administrative fine
612 as provided in this section for a cited class IV violation. A
613 citation for a class IV violation must specify the time within
614 which the violation is required to be corrected. If a class IV
615 violation is corrected within the time specified, a fine may not
616 be imposed.

617 Section 14. Subsection (1) of section 397.415, Florida
618 Statutes, is amended to read:

619 397.415 Denial, suspension, and revocation; other
620 remedies.—

621 (1) If the department determines that an applicant or
622 licensed service provider or licensed service component thereof
623 is not in compliance with all statutory and regulatory
624 requirements, the department may deny, suspend, revoke, or
625 impose reasonable restrictions or penalties on the license or

626 any portion of the license. In such case, ~~the department:~~

627 (a) The department may:

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

631 2. Impose an administrative fine for a violation that is
632 not designated as a class I, class II, class III, or class IV
633 violation pursuant to s. 397.411. Unless otherwise specified by
634 law, the amount of the fine may not exceed \$500 for each
635 violation. Unclassified violations may include:

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

637 b. Violating any provision of this chapter or applicable
638 rules.

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

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

641 3. Establish criteria by rule for the amount or aggregate
642 limitation of administrative fines applicable to this chapter
643 and applicable rules, unless the amount or aggregate limitation
644 of the fine is prescribed by statute. Each day of violation
645 constitutes a separate violation and is subject to a separate
646 fine. For fines imposed by final order of the department and not
647 subject to further appeal, the violator shall pay the fine plus
648 interest at the rate specified in s. 55.03 for each day beyond
649 the date set by the department for payment of the fine.

650 (b) The department may require a corrective action plan

651 approved by the department for any violation of this part or
652 applicable rules.

653 (c) The department may impose an immediate moratorium or
654 emergency suspension as defined in s. 120.60 a moratorium on
655 admissions to any service component of a licensed service
656 provider if the department determines that conditions present
657 are a threat to the public health, or safety, or welfare of an
658 individual or the public. Notice of the moratorium or emergency
659 suspension shall be posted and visible to the public at the
660 location of the provider until the action is lifted.

661 ~~(b) May impose an administrative penalty of up to \$500 per~~
662 ~~day against a licensed service provider operating in violation~~
663 ~~of any fire-related, safety-related, or health-related statutory~~
664 ~~or regulatory requirement. Fines collected under this paragraph~~
665 ~~must be deposited in the Operations and Maintenance Trust Fund.~~

666 (d)(e) The department may deny, suspend, or revoke the
667 license of a service provider or may suspend or revoke the
668 license as to the operation of any service component or location
669 identified on the license for:

670 1. False representation of a material fact in the license
671 application or omission of any material fact from the
672 application.

673 2. An intentional or negligent act materially affecting
674 the health or safety of an individual receiving services from
675 the provider.

676 3. A violation of this chapter or applicable rules.
 677 4. A demonstrated pattern of deficient performance.
 678 5. Failure to immediately remove service provider
 679 personnel subject to background screening pursuant to s.
 680 397.4073 who are arrested or found guilty of, regardless of
 681 adjudication, or have entered a plea of nolo contendere or
 682 guilty to any offense prohibited under the screening standard
 683 and notify the department within 2 days after such removal,
 684 excluding weekends and holidays ~~if, after notice, the department~~
 685 ~~determines that a service provider has failed to correct the~~
 686 ~~substantial or chronic violation of any statutory or regulatory~~
 687 ~~requirement that impacts the quality of care.~~

688 Section 15. Section 397.471, Florida Statutes, is
 689 repealed.

690 Section 16. Section 397.4873, Florida Statutes, is created
 691 to read:

692 397.4873 Referrals to or from recovery residences;
 693 prohibitions; penalties.-

694 (1) A service provider licensed under this part may not
 695 refer a prospective, current, or discharged patient to, or
 696 accept a referral from, a recovery residence unless the recovery
 697 residence holds a valid certificate of compliance as provided in
 698 s. 397.487 and is actively managed by a certified recovery
 699 residence administrator as provided in s. 397.4871.

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

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

706 (4) After June 30, 2019, a violation of this section is
 707 subject to an administrative fine of \$1,000 per occurrence.
 708 Repeat violations of this section may subject a provider to
 709 license suspension or revocation pursuant to s. 397.415.

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

712 Section 17. Paragraphs (g) and (h) of subsection (7) of
 713 section 397.501, Florida Statutes, are amended to read:

714 397.501 Rights of individuals.—Individuals receiving
 715 substance abuse services from any service provider are
 716 guaranteed protection of the rights specified in this section,
 717 unless otherwise expressly provided, and service providers must
 718 ensure the protection of such rights.

719 (7) RIGHT TO CONFIDENTIALITY OF INDIVIDUAL RECORDS.—

720 (g) An order authorizing the disclosure of an individual's
 721 records may be applied for by any person having a legally
 722 recognized interest in the disclosure which is sought. The
 723 application may be filed alone ~~separately~~ or as part of a
 724 pending civil action or an active criminal investigation in

725 | which it appears that the individual's records are needed to
726 | provide evidence. An application must use a fictitious name,
727 | such as John Doe or Jane Doe, to refer to any individual and may
728 | not contain or otherwise disclose any identifying information
729 | unless the individual is the applicant or has given a written
730 | consent to disclosure or the court has ordered the record of the
731 | proceeding sealed from public scrutiny.

732 | (h) 1. For applications filed alone or as part of a pending
733 | civil action, the individual and the person holding the records
734 | from whom disclosure is sought must be given adequate notice in
735 | a manner which will not disclose identifying information to
736 | other persons, and an opportunity to file a written response to
737 | the application, or to appear in person, for the limited purpose
738 | of providing evidence on the statutory and regulatory criteria
739 | for the issuance of the court order.

740 | 2. Applications filed as part of an active criminal
741 | investigation may, in the discretion of the court, be granted
742 | without notice. Although no express notice is required to the
743 | agents, owners, and employees of the treatment provider or to
744 | any individual whose records are to be disclosed, upon
745 | implementation of an order so granted, any of these persons must
746 | be afforded an opportunity to seek revocation or amendment of
747 | the order, limited to the presentation of evidence on the
748 | statutory and regulatory criteria for the issuance of the order.

749 | Section 18. Section 397.55, Florida Statutes, is created

750 to read:

751 397.55 Prohibition of deceptive marketing practices.—

752 (1) The Legislature recognizes that consumers of substance
753 abuse treatment have disabling conditions and that such
754 consumers and their families are vulnerable and at risk of being
755 easily victimized by fraudulent marketing practices that
756 adversely impact the delivery of health care. To protect the
757 health, safety, and welfare of this vulnerable population, a
758 service provider, an operator of a recovery residence, or a
759 third party who provides any form of advertising or marketing
760 services to a service provider or an operator of a recovery
761 residence may not engage in any of the following marketing
762 practices:

763 (a) Making a false or misleading statement or providing
764 false or misleading information about the provider's or
765 operator's or third party's products, goods, services, or
766 geographical locations in its marketing, advertising materials,
767 or media or on its website.

768 (b) Including on its website false information or
769 electronic links, coding, or activation that provides false
770 information or that surreptitiously directs the reader to
771 another website.

772 (c) Conduct prohibited by s. 817.505.

773 (d) Entering into a contract with a marketing provider who
774 agrees to generate referrals or leads for the placement of

775 patients with a service provider or in a recovery residence
776 through a call center or a web-based presence, unless the
777 service provider or the operator of the recovery residence
778 discloses the following to the prospective patient so that the
779 patient can make an informed health care decision:

780 1. Information about the specific licensed service
781 providers or recovery residences that are represented by the
782 marketing provider and pay a fee to the marketing provider,
783 including the identity of such service providers or recovery
784 residences; and

785 2. Clear and concise instructions that allow the
786 prospective patient to easily access lists of licensed service
787 providers and recovery residences on the department website.

788 (2) In addition to any other punishment authorized by law,
789 a person or entity that knowingly and willfully violates
790 paragraph (1) (a), paragraph (1) (b), or paragraph (1) (d) commits
791 a misdemeanor of the first degree, punishable as provided in s.
792 775.082 or s. 775.083. A violation of paragraph (1) (c) is a
793 violation of the prohibition on patient brokering and may
794 subject the party committing the violation to criminal penalties
795 under s. 817.505.

796 Section 19. Section 817.0345, Florida Statutes, is created
797 to read:

798 817.0345 Prohibition of fraudulent marketing practices.—It
799 is unlawful for any person to knowingly and willfully make a

800 materially false or misleading statement or provide false or
 801 misleading information about the identity, products, goods,
 802 services, or geographical location of a licensed service
 803 provider, as defined in chapter 397, in marketing, advertising
 804 materials, or other media or on a website with the intent to
 805 induce another person to seek treatment with that service
 806 provider. A person who violates this section commits a felony of
 807 the third degree, punishable as provided in s. 775.082, s.
 808 775.083, or s. 775.084.

809 Section 20. Subsections (1) and (4) of section 817.505,
 810 Florida Statutes, are amended to read:

811 817.505 Patient brokering prohibited; exceptions;
 812 penalties.—

813 (1) It is unlawful for any person, including any health
 814 care provider or health care facility, to:

815 (a) Offer or pay a any commission, benefit, bonus, rebate,
 816 kickback, or bribe, directly or indirectly, in cash or in kind,
 817 or engage in any split-fee arrangement, in any form whatsoever,
 818 to induce the referral of a patient ~~patients~~ or patronage to or
 819 from a health care provider or health care facility;

820 (b) Solicit or receive a any commission, benefit, bonus,
 821 rebate, kickback, or bribe, directly or indirectly, in cash or
 822 in kind, or engage in any split-fee arrangement, in any form
 823 whatsoever, in return for referring a patient ~~patients~~ or
 824 patronage to or from a health care provider or health care

825 facility;

826 (c) Solicit or receive a ~~any~~ commission, benefit, bonus,
827 rebate, kickback, or bribe, directly or indirectly, in cash or
828 in kind, or engage in any split-fee arrangement, in any form
829 whatsoever, in return for the acceptance or acknowledgment of
830 treatment from a health care provider or health care facility;
831 or

832 (d) Aid, abet, advise, or otherwise participate in the
833 conduct prohibited under paragraph (a), paragraph (b), or
834 paragraph (c).

835 (4) (a) Any person, including an officer, partner, agent,
836 attorney, or other representative of a firm, joint venture,
837 partnership, business trust, syndicate, corporation, or other
838 business entity, who violates any provision of this section
839 commits a felony of the third degree, punishable as provided in
840 s. 775.082, ~~s. 775.083,~~ or s. 775.084, and shall be ordered to
841 pay a fine of \$50,000.

842 (b) Any person, including an officer, partner, agent,
843 attorney, or other representative of a firm, joint venture,
844 partnership, business trust, syndicate, corporation, or other
845 business entity, who violates any provision of this section,
846 where the prohibited conduct involves 10 or more patients but
847 fewer than 20 patients, commits a felony of the second degree,
848 punishable as provided in s. 775.082 or s. 775.084, and shall be
849 ordered to pay a fine of \$100,000.

850 (c) Any person, including an officer, partner, agent,
851 attorney, or other representative of a firm, joint venture,
852 partnership, business trust, syndicate, corporation, or other
853 business entity, who violates any provision of this section,
854 where the prohibited conduct involves 20 or more patients,
855 commits a felony of the first degree, punishable as provided in
856 s. 775.082 or s. 775.084, and shall be ordered to pay a fine of
857 \$500,000.

858 Section 21. Paragraph (a) of subsection (8) of section
859 895.02, Florida Statutes, is amended to read:

860 895.02 Definitions.—As used in ss. 895.01–895.08, the
861 term:

862 (8) "Racketeering activity" means to commit, to attempt to
863 commit, to conspire to commit, or to solicit, coerce, or
864 intimidate another person to commit:

865 (a) Any crime that is chargeable by petition, indictment,
866 or information under the following provisions of the Florida
867 Statutes:

868 1. Section 210.18, relating to evasion of payment of
869 cigarette taxes.

870 2. Section 316.1935, relating to fleeing or attempting to
871 elude a law enforcement officer and aggravated fleeing or
872 eluding.

873 3. Section 403.727(3)(b), relating to environmental
874 control.

- 875 | 4. Section 409.920 or s. 409.9201, relating to Medicaid
- 876 | fraud.
- 877 | 5. Section 414.39, relating to public assistance fraud.
- 878 | 6. Section 440.105 or s. 440.106, relating to workers'
- 879 | compensation.
- 880 | 7. Section 443.071(4), relating to creation of a
- 881 | fictitious employer scheme to commit reemployment assistance
- 882 | fraud.
- 883 | 8. Section 465.0161, relating to distribution of medicinal
- 884 | drugs without a permit as an Internet pharmacy.
- 885 | 9. Section 499.0051, relating to crimes involving
- 886 | contraband, adulterated, or misbranded drugs.
- 887 | 10. Part IV of chapter 501, relating to telemarketing.
- 888 | 11. Chapter 517, relating to sale of securities and
- 889 | investor protection.
- 890 | 12. Section 550.235 or s. 550.3551, relating to dogracing
- 891 | and horseracing.
- 892 | 13. Chapter 550, relating to jai alai frontons.
- 893 | 14. Section 551.109, relating to slot machine gaming.
- 894 | 15. Chapter 552, relating to the manufacture,
- 895 | distribution, and use of explosives.
- 896 | 16. Chapter 560, relating to money transmitters, if the
- 897 | violation is punishable as a felony.
- 898 | 17. Chapter 562, relating to beverage law enforcement.
- 899 | 18. Section 624.401, relating to transacting insurance

900 without a certificate of authority, s. 624.437(4)(c)1., relating
901 to operating an unauthorized multiple-employer welfare
902 arrangement, or s. 626.902(1)(b), relating to representing or
903 aiding an unauthorized insurer.

904 19. Section 655.50, relating to reports of currency
905 transactions, when such violation is punishable as a felony.

906 20. Chapter 687, relating to interest and usurious
907 practices.

908 21. Section 721.08, s. 721.09, or s. 721.13, relating to
909 real estate timeshare plans.

910 22. Section 775.13(5)(b), relating to registration of
911 persons found to have committed any offense for the purpose of
912 benefiting, promoting, or furthering the interests of a criminal
913 gang.

914 23. Section 777.03, relating to commission of crimes by
915 accessories after the fact.

916 24. Chapter 782, relating to homicide.

917 25. Chapter 784, relating to assault and battery.

918 26. Chapter 787, relating to kidnapping or human
919 trafficking.

920 27. Chapter 790, relating to weapons and firearms.

921 28. Chapter 794, relating to sexual battery, but only if
922 such crime was committed with the intent to benefit, promote, or
923 further the interests of a criminal gang, or for the purpose of
924 increasing a criminal gang member's own standing or position

- 925 | within a criminal gang.
- 926 | 29. Former s. 796.03, former s. 796.035, s. 796.04, s.
- 927 | 796.05, or s. 796.07, relating to prostitution.
- 928 | 30. Chapter 806, relating to arson and criminal mischief.
- 929 | 31. Chapter 810, relating to burglary and trespass.
- 930 | 32. Chapter 812, relating to theft, robbery, and related
- 931 | crimes.
- 932 | 33. Chapter 815, relating to computer-related crimes.
- 933 | 34. Chapter 817, relating to fraudulent practices, false
- 934 | pretenses, fraud generally, ~~and~~ credit card crimes, and patient
- 935 | brokering.
- 936 | 35. Chapter 825, relating to abuse, neglect, or
- 937 | exploitation of an elderly person or disabled adult.
- 938 | 36. Section 827.071, relating to commercial sexual
- 939 | exploitation of children.
- 940 | 37. Section 828.122, relating to fighting or baiting
- 941 | animals.
- 942 | 38. Chapter 831, relating to forgery and counterfeiting.
- 943 | 39. Chapter 832, relating to issuance of worthless checks
- 944 | and drafts.
- 945 | 40. Section 836.05, relating to extortion.
- 946 | 41. Chapter 837, relating to perjury.
- 947 | 42. Chapter 838, relating to bribery and misuse of public
- 948 | office.
- 949 | 43. Chapter 843, relating to obstruction of justice.

950 44. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or
 951 s. 847.07, relating to obscene literature and profanity.

952 45. Chapter 849, relating to gambling, lottery, gambling
 953 or gaming devices, slot machines, or any of the provisions
 954 within that chapter.

955 46. Chapter 874, relating to criminal gangs.

956 47. Chapter 893, relating to drug abuse prevention and
 957 control.

958 48. Chapter 896, relating to offenses related to financial
 959 transactions.

960 49. Sections 914.22 and 914.23, relating to tampering with
 961 or harassing a witness, victim, or informant, and retaliation
 962 against a witness, victim, or informant.

963 50. Sections 918.12 and 918.13, relating to tampering with
 964 jurors and evidence.

965 Section 22. Paragraphs (c), (d), (f), and (h) of
 966 subsection (3) of section 921.0022, Florida Statutes, are
 967 amended to read:

968 921.0022 Criminal Punishment Code; offense severity
 969 ranking chart.—

970 (3) OFFENSE SEVERITY RANKING CHART

971 (c) LEVEL 3

972

Florida	Felony	
Statute	Degree	Description

973	119.10 (2) (b)	3rd	Unlawful use of confidential information from police reports.
974	316.066 (3) (b) - (d)	3rd	Unlawfully obtaining or using confidential crash reports.
975	316.193 (2) (b)	3rd	Felony DUI, 3rd conviction.
976	316.1935 (2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
977	319.30 (4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
978	319.33 (1) (a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
979	319.33 (1) (c)	3rd	Procure or pass title on stolen vehicle.

980	319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
981	327.35(2)(b)	3rd	Felony BUI.
982	328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
983	328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
984	376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
985	379.2431 (1)(e)5.	3rd	Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell,

molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.

986

379.2431
(1) (e) 6.

3rd

Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.

987

400.9935 (4) (a)
or (b)

3rd

Operating a clinic, or offering services requiring licensure, without a license.

988

400.9935 (4) (e)

3rd

Filing a false license application or other required information or failing to report information.

989

440.1051 (3)

3rd

False report of workers' compensation fraud or retaliation for making such a report.

990

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991	501.001 (2) (b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
992	624.401 (4) (a)	3rd	Transacting insurance without a certificate of authority.
993	624.401 (4) (b) 1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
994	626.902 (1) (a) & (b)	3rd	Representing an unauthorized insurer.
995	697.08	3rd	Equity skimming.
996	790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.
	806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.

997	806.10 (2)	3rd	Interferes with or assaults firefighter in performance of duty.
998	810.09 (2) (c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
999	812.014 (2) (c) 2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
1000	812.0145 (2) (c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
1001	815.04 (5) (b)	2nd	Computer offense devised to defraud or obtain property.
1002	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
1003			

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1004	817.233	3rd	Burning to defraud insurer.
	817.234 (8) (b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
1005			
	817.234(11) (a)	3rd	Insurance fraud; property value less than \$20,000.
1006			
	817.236	3rd	Filing a false motor vehicle insurance application.
1007			
	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
1008			
	817.413(2)	3rd	Sale of used goods as new.
1009			
	817.505(4)	3rd	Patient brokering.
1010			
	828.12(2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.

1011	831.28 (2) (a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.
1012	831.29	2nd	Possession of instruments for counterfeiting driver licenses or identification cards.
1013	838.021 (3) (b)	3rd	Threatens unlawful harm to public servant.
1014	843.19	3rd	Injure, disable, or kill police dog or horse.
1015	860.15 (3)	3rd	Overcharging for repairs and parts.
1016	870.01 (2)	3rd	Riot; inciting or encouraging.
1017	893.13 (1) (a) 2.	3rd	Sell, manufacture, or deliver cannabis (or other s. 893.03 (1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 5.,

1018	893.13(1)(d)2.	2nd	<p>(2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs).</p> <p>Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs within 1,000 feet of university.</p>
1019	893.13(1)(f)2.	2nd	<p>Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs within 1,000 feet of public housing facility.</p>
1020	893.13(4)(c)	3rd	<p>Use or hire of minor; deliver to minor other controlled substances.</p>
1021	893.13(6)(a)	3rd	<p>Possession of any controlled substance other than felony</p>

1022			possession of cannabis.
	893.13 (7) (a) 8.	3rd	Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.
1023			
	893.13 (7) (a) 9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
1024			
	893.13 (7) (a) 10.	3rd	Affix false or forged label to package of controlled substance.
1025			
	893.13 (7) (a) 11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
1026			
	893.13 (8) (a) 1.	3rd	Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through

1027	893.13(8)(a)2.	3rd	deceptive, untrue, or fraudulent representations in or related to the practitioner's practice.
1028	893.13(8)(a)3.	3rd	Employ a trick or scheme in the practitioner's practice to assist a patient, other person, or owner of an animal in obtaining a controlled substance.
1029	893.13(8)(a)3.	3rd	Knowingly write a prescription for a controlled substance for a fictitious person.
1030	893.13(8)(a)4.	3rd	Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.
	918.13(1)(a)	3rd	Alter, destroy, or conceal

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1031			investigation evidence.
	944.47	3rd	Introduce contraband to
	(1) (a) 1. & 2.		correctional facility.
1032			
	944.47 (1) (c)	2nd	Possess contraband while upon
			the grounds of a correctional
			institution.
1033			
	985.721	3rd	Escapes from a juvenile
			facility (secure detention or
			residential commitment
			facility).
1034			
1035	(d) LEVEL 4		
1036			
	Florida	Felony	
	Statute	Degree	Description
1037			
	316.1935 (3) (a)	2nd	Driving at high speed or with
			wanton disregard for safety
			while fleeing or attempting to
			elude law enforcement officer
			who is in a patrol vehicle with
			siren and lights activated.

1038	499.0051(1)	3rd	Failure to maintain or deliver transaction history, transaction information, or transaction statements.
1039	499.0051(5)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
1040	517.07(1)	3rd	Failure to register securities.
1041	517.12(1)	3rd	Failure of dealer, associated person, or issuer of securities to register.
1042	784.07(2)(b)	3rd	Battery of law enforcement officer, firefighter, etc.
1043	784.074(1)(c)	3rd	Battery of sexually violent predators facility staff.
1044	784.075	3rd	Battery on detention or commitment facility staff.
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1046	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
1047	784.08 (2) (c)	3rd	Battery on a person 65 years of age or older.
1048	784.081 (3)	3rd	Battery on specified official or employee.
1049	784.082 (3)	3rd	Battery by detained person on visitor or other detainee.
1050	784.083 (3)	3rd	Battery on code inspector.
1051	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
1052	787.03 (1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
	787.04 (2)	3rd	Take, entice, or remove child

1053			beyond state limits with criminal intent pending custody proceedings.
	787.04 (3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
1054			
	787.07	3rd	Human smuggling.
1055			
	790.115 (1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
1056			
	790.115 (2) (b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
1057			
	790.115 (2) (c)	3rd	Possessing firearm on school property.
1058			
	800.04 (7) (c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.

1059	810.02 (4) (a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
1060	810.02 (4) (b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
1061	810.06	3rd	Burglary; possession of tools.
1062	810.08 (2) (c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
1063	812.014 (2) (c) 3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
1064	812.014 (2) (c) 4.-10.	3rd	Grand theft, 3rd degree, a will, firearm, motor vehicle, livestock, etc.
1065	812.0195 (2)	3rd	Dealing in stolen property by

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			use of the Internet; property stolen \$300 or more.
1066	<u>817.505 (4) (a)</u>	<u>3rd</u>	<u>Patient brokering.</u>
1067	817.563 (1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.
1068	817.568 (2) (a)	3rd	Fraudulent use of personal identification information.
1069	817.625 (2) (a)	3rd	Fraudulent use of scanning device or reencoder.
1070	828.125 (1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
1071	837.02 (1)	3rd	Perjury in official proceedings.
1072	837.021 (1)	3rd	Make contradictory statements

1073			in official proceedings.
1074	838.022	3rd	Official misconduct.
1075	839.13(2)(a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
1076	839.13(2)(c)	3rd	Falsifying records of the Department of Children and Families.
1077	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
1078	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
1079	843.15(1)(a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).

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1080	847.0135 (5) (c)	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.
1081	874.05 (1) (a)	3rd	Encouraging or recruiting another to join a criminal gang.
1082	893.13 (2) (a) 1.	2nd	Purchase of cocaine (or other s. 893.03(1) (a), (b), or (d), (2) (a), (2) (b), or (2) (c) 4. drugs).
1083	914.14 (2)	3rd	Witnesses accepting bribes.
1084	914.22 (1)	3rd	Force, threaten, etc., witness, victim, or informant.
1085	914.23 (2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
1086	918.12	3rd	Tampering with jurors.
	934.215	3rd	Use of two-way communications

			device to facilitate commission of a crime.
1087			
1088	(f)	LEVEL 6	
1089			
	Florida	Felony	
	Statute	Degree	Description
1090			
	316.027 (2) (b)	2nd	Leaving the scene of a crash involving serious bodily injury.
1091			
	316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
1092			
	400.9935 (4) (c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
1093			
	499.0051 (2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.
1094			
	499.0051 (3)	2nd	Knowing purchase or receipt of

			prescription drug from unauthorized person.
1095	499.0051 (4)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
1096	775.0875 (1)	3rd	Taking firearm from law enforcement officer.
1097	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
1098	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
1099	784.041	3rd	Felony battery; domestic battery by strangulation.
1100	784.048 (3)	3rd	Aggravated stalking; credible threat.
1101	784.048 (5)	3rd	Aggravated stalking of person under 16.
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1103	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
1104	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
1105	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
1106	784.081 (2)	2nd	Aggravated assault on specified official or employee.
1107	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
1108	784.083 (2)	2nd	Aggravated assault on code inspector.
1109	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
	790.115 (2) (d)	2nd	Discharging firearm or weapon

1110			on school property.
	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
1111			
	790.164 (1)	2nd	False report concerning bomb, explosive, weapon of mass destruction, act of arson or violence to state property, or use of firearms in violent manner.
1112			
	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
1113			
	794.011 (8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
1114			
	794.05 (1)	2nd	Unlawful sexual activity with specified minor.
1115			

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1116	800.04 (5) (d)	3rd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years of age; offender less than 18 years.
1117	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
1118	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
1119	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
1120	810.145 (8) (b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
1121	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
	812.014 (6)	2nd	Theft; property stolen \$3,000

			or more; coordination of others.
1122	812.015 (9) (a)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
1123	812.015 (9) (b)	2nd	Retail theft; property stolen \$3,000 or more; coordination of others.
1124	812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
1125	817.4821 (5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
1126	<u>817.505 (4) (b)</u>	<u>2nd</u>	<u>Patient brokering; 10 or more patients.</u>
1127	825.102 (1)	3rd	Abuse of an elderly person or disabled adult.
1128	825.102 (3) (c)	3rd	Neglect of an elderly person or

1129			disabled adult.
	825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
1130			
	825.103 (3) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.
1131			
	827.03 (2) (c)	3rd	Abuse of a child.
1132			
	827.03 (2) (d)	3rd	Neglect of a child.
1133			
	827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
1134			
	836.05	2nd	Threats; extortion.
1135			
	836.10	2nd	Written threats to kill or do bodily injury.
1136			
	843.12	3rd	Aids or assists person to escape.

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1137	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
1138	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
1139	847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
1140	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
1141	944.35(3)(a)2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.
1142			

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1143	944.40	2nd	Escapes.
1144	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
1145	944.47(1)(a)5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
1146	951.22(1)	3rd	Intoxicating drug, firearm, or weapon introduced into county facility.
1147	(h) LEVEL 8		
1148	Florida	Felony	
1149	Statute	Degree	Description
1150	316.193 (3)(c)3.a.	2nd	DUI manslaughter.
1151	316.1935(4)(b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.

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1152	327.35 (3) (c) 3.	2nd	Vessel BUI manslaughter.
1153	499.0051 (7)	1st	Knowing trafficking in contraband prescription drugs.
1154	499.0051 (8)	1st	Knowing forgery of prescription labels or prescription drug labels.
1155	560.123 (8) (b) 2.	2nd	Failure to report currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000 by money transmitter.
1156	560.125 (5) (b)	2nd	Money transmitter business by unauthorized person, currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000.
	655.50 (10) (b) 2.	2nd	Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial

			institutions.
1157	777.03 (2) (a)	1st	Accessory after the fact, capital felony.
1158	782.04 (4)	2nd	Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, robbery, burglary, kidnapping, aggravated fleeing or eluding with serious bodily injury or death, aircraft piracy, or unlawfully discharging bomb.
1159	782.051 (2)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04 (3).
1160	782.071 (1) (b)	1st	Committing vehicular homicide and failing to render aid or give information.
1161	782.072 (2)	1st	Committing vessel homicide and

			failing to render aid or give information.
1162	787.06(3)(a)1.	1st	Human trafficking for labor and services of a child.
1163	787.06(3)(b)	1st	Human trafficking using coercion for commercial sexual activity of an adult.
1164	787.06(3)(c)2.	1st	Human trafficking using coercion for labor and services of an unauthorized alien adult.
1165	787.06(3)(e)1.	1st	Human trafficking for labor and services by the transfer or transport of a child from outside Florida to within the state.
1166	787.06(3)(f)2.	1st	Human trafficking using coercion for commercial sexual activity by the transfer or transport of any adult from outside Florida to within the

1167			state.
	790.161 (3)	1st	Discharging a destructive device which results in bodily harm or property damage.
1168			
	794.011 (5) (a)	1st	Sexual battery; victim 12 years of age or older but younger than 18 years; offender 18 years or older; offender does not use physical force likely to cause serious injury.
1169			
	794.011 (5) (b)	2nd	Sexual battery; victim and offender 18 years of age or older; offender does not use physical force likely to cause serious injury.
1170			
	794.011 (5) (c)	2nd	Sexual battery; victim 12 years of age or older; offender younger than 18 years; offender does not use physical force likely to cause injury.
1171			

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1172	794.011 (5) (d)	1st	Sexual battery; victim 12 years of age or older; offender does not use physical force likely to cause serious injury; prior conviction for specified sex offense.
1173	794.08 (3)	2nd	Female genital mutilation, removal of a victim younger than 18 years of age from this state.
1174	800.04 (4) (b)	2nd	Lewd or lascivious battery.
1175	800.04 (4) (c)	1st	Lewd or lascivious battery; offender 18 years of age or older; prior conviction for specified sex offense.
1176	806.01 (1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
	810.02 (2) (a)	1st, PBL	Burglary with assault or battery.

1177	810.02 (2) (b)	1st, PBL	Burglary; armed with explosives or dangerous weapon.
1178	810.02 (2) (c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
1179	812.014 (2) (a) 2.	1st	Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.
1180	812.13 (2) (b)	1st	Robbery with a weapon.
1181	812.135 (2) (c)	1st	Home-invasion robbery, no firearm, deadly weapon, or other weapon.
1182	<u>817.505 (4) (c)</u>	<u>1st</u>	<u>Patient brokering; 20 or more patients.</u>
1183	817.535 (2) (b)	2nd	Filing false lien or other unauthorized document; second or subsequent offense.

1184	817.535 (3) (a)	2nd	Filing false lien or other unauthorized document; property owner is a public officer or employee.
1185	817.535 (4) (a) 1.	2nd	Filing false lien or other unauthorized document; defendant is incarcerated or under supervision.
1186	817.535 (5) (a)	2nd	Filing false lien or other unauthorized document; owner of the property incurs financial loss as a result of the false instrument.
1187	817.568 (6)	2nd	Fraudulent use of personal identification information of an individual under the age of 18.
1188	817.611 (2) (c)	1st	Traffic in or possess 50 or more counterfeit credit cards or related documents.

1189	825.102 (2)	1st	Aggravated abuse of an elderly person or disabled adult.
1190	825.1025 (2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
1191	825.103 (3) (a)	1st	Exploiting an elderly person or disabled adult and property is valued at \$50,000 or more.
1192	837.02 (2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.
1193	837.021 (2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.
1194	860.121 (2) (c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.

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1195	860.16	1st	Aircraft piracy.
1196	893.13(1)(b)	1st	Sell or deliver in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
1197	893.13(2)(b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
1198	893.13(6)(c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
1199	893.135(1)(a)2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
1200	893.135 (1)(b)1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
1201	893.135	1st	Trafficking in illegal drugs,

1202	(1) (c) 1.b.		more than 14 grams, less than 28 grams.
	893.135	1st	Trafficking in hydrocodone, 50
	(1) (c) 2.c.		grams or more, less than 200 grams.
1203			
	893.135	1st	Trafficking in oxycodone, 25
	(1) (c) 3.c.		grams or more, less than 100 grams.
1204			
	893.135	1st	Trafficking in phencyclidine,
	(1) (d) 1.b.		more than 200 grams, less than 400 grams.
1205			
	893.135	1st	Trafficking in methaqualone,
	(1) (e) 1.b.		more than 5 kilograms, less than 25 kilograms.
1206			
	893.135	1st	Trafficking in amphetamine,
	(1) (f) 1.b.		more than 28 grams, less than 200 grams.
1207			
	893.135	1st	Trafficking in flunitrazepam,
	(1) (g) 1.b.		14 grams or more, less than 28

1208			grams.
	893.135 (1) (h) 1.b.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
1209			
	893.135 (1) (j) 1.b.	1st	Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.
1210			
	893.135 (1) (k) 2.b.	1st	Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.
1211			
	893.1351 (3)	1st	Possession of a place used to manufacture controlled substance when minor is present or resides there.
1212			
	895.03 (1)	1st	Use or invest proceeds derived from pattern of racketeering activity.
1213			
	895.03 (2)	1st	Acquire or maintain through

1214 racketeering activity any
interest in or control of any
enterprise or real property.

895.03 (3) 1st Conduct or participate in any
enterprise through pattern of
racketeering activity.

896.101 (5) (b) 2nd Money laundering, financial
transactions totaling or
exceeding \$20,000, but less
than \$100,000.

896.104 (4) (a) 2. 2nd Structuring transactions to
evade reporting or registration
requirements, financial
transactions totaling or
exceeding \$20,000 but less than
\$100,000.

Section 23. Paragraph (e) of subsection (5) of section
212.055, Florida Statutes, is amended to read:

212.055 Discretionary sales surtaxes; legislative intent;
authorization and use of proceeds.—It is the legislative intent
that any authorization for imposition of a discretionary sales

1223 | surtax shall be published in the Florida Statutes as a
1224 | subsection of this section, irrespective of the duration of the
1225 | levy. Each enactment shall specify the types of counties
1226 | authorized to levy; the rate or rates which may be imposed; the
1227 | maximum length of time the surtax may be imposed, if any; the
1228 | procedure which must be followed to secure voter approval, if
1229 | required; the purpose for which the proceeds may be expended;
1230 | and such other requirements as the Legislature may provide.
1231 | Taxable transactions and administrative procedures shall be as
1232 | provided in s. 212.054.

1233 | (5) COUNTY PUBLIC HOSPITAL SURTAX.—Any county as defined
1234 | in s. 125.011(1) may levy the surtax authorized in this
1235 | subsection pursuant to an ordinance either approved by
1236 | extraordinary vote of the county commission or conditioned to
1237 | take effect only upon approval by a majority vote of the
1238 | electors of the county voting in a referendum. In a county as
1239 | defined in s. 125.011(1), for the purposes of this subsection,
1240 | "county public general hospital" means a general hospital as
1241 | defined in s. 395.002 which is owned, operated, maintained, or
1242 | governed by the county or its agency, authority, or public
1243 | health trust.

1244 | (e) A governing board, agency, or authority shall be
1245 | chartered by the county commission upon this act becoming law.
1246 | The governing board, agency, or authority shall adopt and
1247 | implement a health care plan for indigent health care services.

1248 The governing board, agency, or authority shall consist of no
1249 more than seven and no fewer than five members appointed by the
1250 county commission. The members of the governing board, agency,
1251 or authority shall be at least 18 years of age and residents of
1252 the county. No member may be employed by or affiliated with a
1253 health care provider or the public health trust, agency, or
1254 authority responsible for the county public general hospital.
1255 The following community organizations shall each appoint a
1256 representative to a nominating committee: the South Florida
1257 Hospital and Healthcare Association, the Miami-Dade County
1258 Public Health Trust, the Dade County Medical Association, the
1259 Miami-Dade County Homeless Trust, and the Mayor of Miami-Dade
1260 County. This committee shall nominate between 10 and 14 county
1261 citizens for the governing board, agency, or authority. The
1262 slate shall be presented to the county commission and the county
1263 commission shall confirm the top five to seven nominees,
1264 depending on the size of the governing board. Until such time as
1265 the governing board, agency, or authority is created, the funds
1266 provided for in subparagraph (d)2. shall be placed in a
1267 restricted account set aside from other county funds and not
1268 disbursed by the county for any other purpose.

1269 1. The plan shall divide the county into a minimum of four
1270 and maximum of six service areas, with no more than one
1271 participant hospital per service area. The county public general
1272 hospital shall be designated as the provider for one of the

1273 service areas. Services shall be provided through participants'
1274 primary acute care facilities.

1275 2. The plan and subsequent amendments to it shall fund a
1276 defined range of health care services for both indigent persons
1277 and the medically poor, including primary care, preventive care,
1278 hospital emergency room care, and hospital care necessary to
1279 stabilize the patient. For the purposes of this section,
1280 "stabilization" means stabilization as defined in s. 397.311(46)
1281 ~~397.311(44)~~. Where consistent with these objectives, the plan
1282 may include services rendered by physicians, clinics, community
1283 hospitals, and alternative delivery sites, as well as at least
1284 one regional referral hospital per service area. The plan shall
1285 provide that agreements negotiated between the governing board,
1286 agency, or authority and providers shall recognize hospitals
1287 that render a disproportionate share of indigent care, provide
1288 other incentives to promote the delivery of charity care to draw
1289 down federal funds where appropriate, and require cost
1290 containment, including, but not limited to, case management.
1291 From the funds specified in subparagraphs (d)1. and 2. for
1292 indigent health care services, service providers shall receive
1293 reimbursement at a Medicaid rate to be determined by the
1294 governing board, agency, or authority created pursuant to this
1295 paragraph for the initial emergency room visit, and a per-member
1296 per-month fee or capitation for those members enrolled in their
1297 service area, as compensation for the services rendered

1298 following the initial emergency visit. Except for provisions of
1299 emergency services, upon determination of eligibility,
1300 enrollment shall be deemed to have occurred at the time services
1301 were rendered. The provisions for specific reimbursement of
1302 emergency services shall be repealed on July 1, 2001, unless
1303 otherwise reenacted by the Legislature. The capitation amount or
1304 rate shall be determined before program implementation by an
1305 independent actuarial consultant. In no event shall such
1306 reimbursement rates exceed the Medicaid rate. The plan must also
1307 provide that any hospitals owned and operated by government
1308 entities on or after the effective date of this act must, as a
1309 condition of receiving funds under this subsection, afford
1310 public access equal to that provided under s. 286.011 as to any
1311 meeting of the governing board, agency, or authority the subject
1312 of which is budgeting resources for the retention of charity
1313 care, as that term is defined in the rules of the Agency for
1314 Health Care Administration. The plan shall also include
1315 innovative health care programs that provide cost-effective
1316 alternatives to traditional methods of service and delivery
1317 funding.

1318 3. The plan's benefits shall be made available to all
1319 county residents currently eligible to receive health care
1320 services as indigents or medically poor as defined in paragraph
1321 (4) (d).

1322 4. Eligible residents who participate in the health care

1323 plan shall receive coverage for a period of 12 months or the
 1324 period extending from the time of enrollment to the end of the
 1325 current fiscal year, per enrollment period, whichever is less.

1326 5. At the end of each fiscal year, the governing board,
 1327 agency, or authority shall prepare an audit that reviews the
 1328 budget of the plan, delivery of services, and quality of
 1329 services, and makes recommendations to increase the plan's
 1330 efficiency. The audit shall take into account participant
 1331 hospital satisfaction with the plan and assess the amount of
 1332 poststabilization patient transfers requested, and accepted or
 1333 denied, by the county public general hospital.

1334 Section 24. Paragraph (e) of subsection (2) of section
 1335 394.4573, Florida Statutes, is amended to read:

1336 394.4573 Coordinated system of care; annual assessment;
 1337 essential elements; measures of performance; system improvement
 1338 grants; reports.—On or before December 1 of each year, the
 1339 department shall submit to the Governor, the President of the
 1340 Senate, and the Speaker of the House of Representatives an
 1341 assessment of the behavioral health services in this state. The
 1342 assessment shall consider, at a minimum, the extent to which
 1343 designated receiving systems function as no-wrong-door models,
 1344 the availability of treatment and recovery services that use
 1345 recovery-oriented and peer-involved approaches, the availability
 1346 of less-restrictive services, and the use of evidence-informed
 1347 practices. The department's assessment shall consider, at a

1348 minimum, the needs assessments conducted by the managing
1349 entities pursuant to s. 394.9082(5). Beginning in 2017, the
1350 department shall compile and include in the report all plans
1351 submitted by managing entities pursuant to s. 394.9082(8) and
1352 the department's evaluation of each plan.

1353 (2) The essential elements of a coordinated system of care
1354 include:

1355 (e) Case management. Each case manager or person directly
1356 supervising a case manager who provides Medicaid-funded targeted
1357 case management services shall hold a valid certification from a
1358 department-approved credentialing entity as defined in s.

1359 397.311(10) ~~397.311(9)~~ by July 1, 2017, and, thereafter, within
1360 6 months after hire.

1361 Section 25. Subsection (6) of section 394.9085, Florida
1362 Statutes, is amended to read:

1363 394.9085 Behavioral provider liability.—

1364 (6) For purposes of this section, the terms
1365 "detoxification services," "addictions receiving facility," and
1366 "receiving facility" have the same meanings as those provided in
1367 ss. 397.311(26)(a)4. ~~397.311(25)(a)4.~~, 397.311(26)(a)1.

1368 ~~397.311(25)(a)1.~~, and 394.455(39), respectively.

1369 Section 26. Section 397.416, Florida Statutes, is amended
1370 to read:

1371 397.416 Substance abuse treatment services; qualified
1372 professional.—Notwithstanding any other provision of law, a

1373 person who was certified through a certification process
1374 recognized by the former Department of Health and Rehabilitative
1375 Services before January 1, 1995, may perform the duties of a
1376 qualified professional with respect to substance abuse treatment
1377 services as defined in this chapter, and need not meet the
1378 certification requirements contained in s. 397.311(34)
1379 ~~397.311(33)~~.

1380 Section 27. Subsection (3) of section 397.753, Florida
1381 Statutes, is amended to read:

1382 397.753 Definitions.—As used in this part:

1383 (3) "Inmate substance abuse services" means any service
1384 component as defined in s. 397.311 provided directly by the
1385 Department of Corrections and licensed and regulated by the
1386 Department of Children and Families pursuant to s. 397.4014
1387 ~~397.406~~, or provided through contractual arrangements with a
1388 service provider licensed pursuant to part II; or any self-help
1389 program or volunteer support group operating for inmates.

1390 Section 28. Section 409.1757, Florida Statutes, is amended
1391 to read:

1392 409.1757 Persons not required to be refingerprinted or
1393 rescreened.—Any law to the contrary notwithstanding, human
1394 resource personnel who have been fingerprinted or screened
1395 pursuant to chapters 393, 394, 397, 402, and this chapter,
1396 teachers who have been fingerprinted pursuant to chapter 1012,
1397 and law enforcement officers who meet the requirements of s.

1398 943.13, who have not been unemployed for more than 90 days
 1399 thereafter, and who under the penalty of perjury attest to the
 1400 completion of such fingerprinting or screening and to compliance
 1401 with this section and the standards for good moral character as
 1402 contained in such provisions as ss. 110.1127(2)(c), 393.0655(1),
 1403 394.457(6), 397.4073 ~~397.451~~, 402.305(2), 409.175(6), and
 1404 943.13(7), are not required to be refingerprinted or rescreened
 1405 in order to comply with any caretaker screening or
 1406 fingerprinting requirements.

1407 Section 29. Paragraphs (d) and (g) of subsection (1) of
 1408 section 440.102, Florida Statutes, are amended to read:

1409 440.102 Drug-free workplace program requirements.—The
 1410 following provisions apply to a drug-free workplace program
 1411 implemented pursuant to law or to rules adopted by the Agency
 1412 for Health Care Administration:

1413 (1) DEFINITIONS.—Except where the context otherwise
 1414 requires, as used in this act:

1415 (d) "Drug rehabilitation program" means a service
 1416 provider, established pursuant to s. 397.311(44) ~~397.311(42)~~,
 1417 that provides confidential, timely, and expert identification,
 1418 assessment, and resolution of employee drug abuse.

1419 (g) "Employee assistance program" means an established
 1420 program capable of providing expert assessment of employee
 1421 personal concerns; confidential and timely identification
 1422 services with regard to employee drug abuse; referrals of

1423 employees for appropriate diagnosis, treatment, and assistance;
 1424 and followup services for employees who participate in the
 1425 program or require monitoring after returning to work. If, in
 1426 addition to the above activities, an employee assistance program
 1427 provides diagnostic and treatment services, these services shall
 1428 in all cases be provided by service providers pursuant to s.
 1429 397.311(44) ~~397.311(42)~~.

1430 Section 30. Paragraph (e) of subsection (4) of section
 1431 985.045, Florida Statutes, is amended to read:

1432 985.045 Court records.—

1433 (4) A court record of proceedings under this chapter is
 1434 not admissible in evidence in any other civil or criminal
 1435 proceeding, except that:

1436 (e) Records of proceedings under this chapter may be used
 1437 to prove disqualification under ss. 110.1127, 393.0655, 394.457,
 1438 397.4073 ~~397.451~~, 402.305, 402.313, 409.175, 409.176, and
 1439 985.644.

1440 Section 31. This act shall take effect July 1, 2017.