

Meeting Agenda – August 25, 2021 SHTF

1. Introductions:
2. 2022 Legislative Session Proposals:
 - a. Return of Property: s. 397.501(5)
 - b. Mandatory recording of all provider relationships with recovery residences: s. 397.403, s. 397.4011
 - c. Recovery Community/Peer specialist proposal: 397.305, 397.311, 394.9082(5), 397.4173
 - d. CRRA limitation: s. 397.4871(8)
 - e. Request for a State proviso:
 - i. To commission a study to create a standard zoning template for local governments regarding group homes.
3. Proposed legislation from Floridians for Recovery (FFR)
 - a. Adding RCOs to the list of duties for the Managing Entities.
 - b. Expanding background screening exemptions for peer workforce.
4. SHTF Comments-Next Meeting is September 22, 2021
5. Public comments.
6. Closing remarks.

1 An act relating to practices of substance abuse services; creating
2 s. 397.403(1)(j); requiring applicants for a license under this
3 chapter to list the names and locations of any recovery residence
4 referring or accepting referrals from the service provider;
5 creating s. 397.4103; requiring service providers to record all
6 recovery residences referring to, or accepting referrals from the
7 provider, in the department licensing designation system; providing
8 for penalties; amending s. 397.4871; limiting the number of housing
9 providers or residents actively being managed for or by certified
10 recovery residences administrators; amending s. 397.501(5);
11 requiring the return of personal effects to patients upon
12 discharge; providing an effective date.

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14 Section 1. Paragraph (j) of subsection (1) of section 397.403,
15 Florida Statutes, is created to read:

16 397.403 License application.-

17 (1) Applicants for a license under this chapter must apply to the
18 department on forms provided by the department and in accordance
19 with rules adopted by the department. Applications must include at
20 a minimum:

21 (j) The names and locations of any recovery residences, as defined
22 in s. 397.501(38), when the recovery residence refers patients to,
23 or accepts patients from the service provider.

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25 Section 2. Section 397.4103, Florida Statutes, is created to read:

26 397.4103 Use of Recovery Residences by Service Providers.-

27 (1) A service provider is required to record all recovery
28 residences, as defined in s. 397.501(38), that refer to, or receive

29 referrals from the service provider, on the department licensing
30 designation system.

31 (2) The requirement of this section is ongoing. Any change in use
32 during a period of licensure must be recorded within five (5)
33 business days.

34 (3) The department may deny, suspend, or revoke the license of a
35 service provider who violates this section.

36 (4) Any person who violates this section commits a misdemeanor of
37 the first degree, punishable as provided in s. 775.082 or s.
38 775.083.

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40 Section 3. Section 397.4871(8), Florida Statutes, is amended to
41 read:

42 s. 397.4871 Recovery residence administrator certification.-

43 (8) ~~A certified recovery residence administrator may actively~~
44 ~~manage no more than three recovery residences at any given time. A~~
45 certified recovery residence administrator must be able to
46 effectively and appropriately respond to the needs of those
47 residents, to maintain residence standards and to meet residence
48 certification requirements in accordance with s. 397.4871(1).
49 Therefore, the number of providers and residents actively managed
50 for or by an administrator is limited as follows:

51 (a) A certified recovery residence administrator may actively
52 manage for no more than one housing provider at any given time,
53 and;

54 (b) A certified recovery residence administrator may actively
55 manage no more than 50 residents at any given time, unless written
56 justification is provided to, and approved by, the credentialing
57 entity as to how the administrator is able to effectively and
58 appropriately respond to the needs of those residents, to maintain

59 residence standards and to meet residence certification
60 requirements, in accordance with s. 397.4871(1), and;

61 (c)A certified recovery residence administrator may actively
62 manage no more than 100 residents at any given time, under any
63 circumstances.

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65 Section 4. Section 397.501(5), Florida Statutes is amended to read:

66 397.501(5) Right To Care And Custody Of Personal Effects.-

67 An Individual has the right to possess clothing and other personal
68 effects. The service provider may take temporary custody of the
69 individual's personal effects only when required for medical or
70 safety reasons, with the reason for taking custody and a list of
71 the personal effects recorded in the individual's clinical record.

72 Notwithstanding the foregoing, personal effects must be returned
73 to the individual upon discharge, including discharge against
74 medical advice.

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8 to the individual upon discharge, including discharge against
9 medical advise.

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1 s. 397.403 License application.-

2 s. 397.403(1)(j) The names and locations of any recovery
3 residences, as defined in s. 397.501(38), when the recovery
4 residence refers patients to, or accepts patients from the service
5 provider.

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1 397.4103 Use of Recovery Residences by Service Providers.-

2 397.4103

3 (1) A service provider is required to record all recovery
4 residences, as defined in s. 397.501(38), that refer to, or receive
5 referrals from the service provider, on the department licensing
6 designation system.

7 (2) The requirement of this section is ongoing. Any change in use
8 during a period of licensure must be recorded within five (5)
9 business days.

10 (3) penalties?

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Proposed Recovery Support & Background Screening Legislation

397.305 Legislative Intent

(12) It is the intent of the legislature to provide recovery support services by promoting the development of local recovery community organizations, led and governed by local communities of recovery.

397.311 Definitions

(38) Recovery Community Organization (RCO) means an independent, non-profit organization organized, led, and governed by representatives of local communities of recovery . The sole mission of an RCO is to mobilize resources within and outside of the recovery community to increase the prevalence and quality of long-term recovery from alcohol and other drug addiction. Public education, policy advocacy and peer-based recovery support services are the strategies through which this mission is achieved. These organizations provide non clinical nonprofessional peer-based recovery support services designed to strengthen and assist individuals to regain skills, develop environmental supports necessary to help the individual thrive in the community, and meet life goals that promote recovery from alcohol and drug use. Services include, but are not limited to, economic, vocational, employment, educational, housing, and engagement in community recovery activities.

394.9082 (5) Behavioral Health Managing Entity Duties

(u) Support local recovery initiatives by contracting with local Recovery Community Organizations as defined in 397.311 (38) for the delivery of recovery support services

397.4173 Background Checks for Peer Specialists

(1) Background Checks for Peer Specialists; Requirements and Exceptions

(a) the legislature recognizes the value of utilizing peer specialists as defined in 397.311 (30) to provide peer support services in a variety of venues including, but

not limited to, community mental health and substance use disorder prevention, treatment, and recovery programs and recovery community organizations

(b) it is recognized that many individuals with lived experience have a criminal history and exemptions to seek employment as peer specialists will operate under the guidelines provided in this section

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

1. As provided in 397.4073, all peer specialists who have direct contact with individuals receiving services are subject to level 2 background screening as provided under s. 408.809 and chapter 435

(d) Applicants for peer specialists or peer specialists who request an exemption from disqualification must submit the request within ~~30~~ 60 days after being notified of the disqualification. The department shall grant or deny the request within ~~60~~ 30 days after the receipt of a complete application. If the department denies the request for exemption from disqualification, the letter of denial shall state the specific reason why the request is being denied.

(e) The department may grant an applicant for peer specialist, or a peer specialist as defined in 397.311 (30), an exemption from disqualification as provided in s. 435.07 (1)(b) if a payment plan to fulfill fees, fines, and/or restitution is established, and the applicant remains current in payments as outlined in the payment plan.

(f) When reviewing an application for exemption from disqualification for a peer specialist applicant, the Department shall only consider crimes that were committed within 3 years of the request for disqualification unless crimes beyond 3 years were major sex crimes or violent crimes (need statutory reference)

(g) The department when considering granting an exemption to a peer specialist as defined in 435.07 (3)(a), clear and convincing evidence shall be defined as recent history of employment, educational involvement, or other objective criteria of successful recovery and community and family engagement. The applicants background screening exemption from another state and or pardon for the offense under consideration should be considered as clear and convincing evidence.

(h) The department shall only consider convictions, not arrests, in determining whether a disqualification for exemption should be granted

(i) Peer specialist applicants shall be allowed to apply for an exemption from disqualification if 3 years have elapsed since the applicant requesting an exemption seeking certification as a peer specialist under s. 397.417 have completed or has been legally released from any confinement, supervision, or nonmonetary condition imposed by the court.

(j) When considering who should be given a disqualification for exemption, the department shall utilize a certified peer specialist with lived experience and criminal history as part of the review team to make a recommendation to the agency head

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1 397.4871 Recovery Residence Administrator certification.-
2 (8) A certified recovery residence administrator may actively
3 manage no more than three recovery residences, and a maximum 50
4 total residents at any given time.

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