

1 A bill to be entitled
2 An act relating to peer specialists; amending s.
3 394.4573, F.S.; providing that the use of peer
4 specialists is an essential element of a coordinated
5 system of care in recovery from a substance use
6 disorder or mental illness; making a technical change;
7 amending s. 397.4073, F.S.; revising background
8 screening requirements for certain peer specialists;
9 revising authorizations relating to work by applicants
10 who have committed disqualifying offenses; making a
11 technical change; amending s. 397.417, F.S.; providing
12 legislative findings and intent; revising requirements
13 for certification as a peer specialist; requiring the
14 Department of Children and Families to develop a
15 training program for peer specialists and to give
16 preference to trainers who are certified peer
17 specialists; requiring the training program to
18 coincide with a competency exam and be based on
19 current practice standards; authorizing the department
20 to certify peer specialists, either directly or by
21 approving a third-party credentialing entity;
22 prohibiting third-party credentialing entities from
23 conducting background screenings for peer specialists;
24 requiring that a peer specialist providing recovery
25 support services be certified or be supervised by a

26 licensed behavioral health care professional or a
27 certain certified peer specialist; requiring peer
28 specialists and certain persons to meet the
29 requirements of a background screening as a condition
30 of employment and continued employment; requiring
31 certain entities to forward fingerprints to specified
32 entities; requiring the department to screen results
33 to determine if the peer specialist meets the
34 certification requirements; requiring that fees for
35 state and federal fingerprint processing be borne by
36 the peer specialist applying for employment; requiring
37 that any arrest record identified through background
38 screening be reported to the department; authorizing
39 the department or the Agency for Health Care
40 Administration to contract with certain vendors for
41 fingerprinting; specifying requirements for vendors;
42 specifying disqualifying offenses for a peer
43 specialist who applies for certification; authorizing
44 a person who does not meet background screening
45 requirements to request an exemption from
46 disqualification from the department or the agency;
47 providing that a peer specialist certified as of the
48 effective date of the act is deemed to satisfy the
49 requirements of the act; providing an effective date.
50

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

52

53 Section 1. Paragraph (1) of subsection (2) and subsection
54 (3) of section 394.4573, Florida Statutes, are amended to read:

55 394.4573 Coordinated system of care; annual assessment;
56 essential elements; measures of performance; system improvement
57 grants; reports.—On or before December 1 of each year, the
58 department shall submit to the Governor, the President of the
59 Senate, and the Speaker of the House of Representatives an
60 assessment of the behavioral health services in this state. The
61 assessment shall consider, at a minimum, the extent to which
62 designated receiving systems function as no-wrong-door models,
63 the availability of treatment and recovery services that use
64 recovery-oriented and peer-involved approaches, the availability
65 of less-restrictive services, and the use of evidence-informed
66 practices. The assessment shall also consider the availability
67 of and access to coordinated specialty care programs and
68 identify any gaps in the availability of and access to such
69 programs in the state. The department's assessment shall
70 consider, at a minimum, the needs assessments conducted by the
71 managing entities pursuant to s. 394.9082(5). Beginning in 2017,
72 the department shall compile and include in the report all plans
73 submitted by managing entities pursuant to s. 394.9082(8) and
74 the department's evaluation of each plan.

75 (2) The essential elements of a coordinated system of care

76 include:

77 (1) Recovery support, including, but not limited to, the
 78 use of peer specialists to assist in the individual's recovery
 79 from a substance use disorder or mental illness; support for
 80 competitive employment, educational attainment, independent
 81 living skills development, family support and education,
 82 wellness management, and self-care; and assistance in obtaining
 83 housing that meets the individual's needs. Such housing may
 84 include mental health residential treatment facilities, limited
 85 mental health assisted living facilities, adult family care
 86 homes, and supportive housing. Housing provided using state
 87 funds must provide a safe and decent environment free from abuse
 88 and neglect.

89 (3) ~~SYSTEM IMPROVEMENT GRANTS.~~ Subject to a specific
 90 appropriation by the Legislature, the department may award
 91 system improvement grants to managing entities based on a
 92 detailed plan to enhance services in accordance with the no-
 93 wrong-door model as defined in subsection (1) and to address
 94 specific needs identified in the assessment prepared by the
 95 department pursuant to this section. Such a grant must be
 96 awarded through a performance-based contract that links payments
 97 to the documented and measurable achievement of system
 98 improvements.

99 Section 2. Paragraphs (a) and (g) of subsection (1) of
 100 section 397.4073, Florida Statutes, are amended to read:

101 397.4073 Background checks of service provider personnel.—

102 (1) PERSONNEL BACKGROUND CHECKS; REQUIREMENTS AND

103 EXCEPTIONS.—

104 (a) For all individuals screened on or after July 1, 2022
 105 ~~2019~~, background checks shall apply as follows:

106 1. All owners, directors, chief financial officers, and
 107 clinical supervisors of service providers are subject to level 2
 108 background screening as provided under s. 408.809 and chapter
 109 435. Inmate substance abuse programs operated directly or under
 110 contract with the Department of Corrections are exempt from this
 111 requirement.

112 2. All service provider personnel who have direct contact
 113 with children receiving services or with adults who are
 114 developmentally disabled receiving services are subject to level
 115 2 background screening as provided under s. 408.809 and chapter
 116 435.

117 3. All peer specialists who have direct contact with
 118 individuals receiving services are subject to a background
 119 screening as provided in s. 397.417(4) ~~level 2 background~~
 120 ~~screening as provided under s. 408.809 and chapter 435.~~

121 (g) If 5 years or more, or 3 years or more in the case of
 122 a certified peer specialist or an individual seeking
 123 certification as a peer specialist pursuant to s. 397.417, have
 124 elapsed since an applicant for an exemption from
 125 disqualification has completed or has been lawfully released

126 from confinement, supervision, or a nonmonetary condition
127 imposed by a court for the applicant's most recent disqualifying
128 offense, the applicant may work with adults with substance use
129 disorders, mental health disorders, or co-occurring disorders
130 under the supervision of persons who meet all personnel
131 requirements of this chapter for up to 180 ~~90~~ days after being
132 notified of his or her disqualification or until the department
133 makes a final determination regarding his or her request for an
134 exemption from disqualification, whichever is earlier.

135 Section 3. Section 397.417, Florida Statutes, is amended
136 to read:

137 397.417 Peer specialists.—

138 (1) LEGISLATIVE FINDINGS AND INTENT.—

139 (a) The Legislature finds that:

140 1. The ability to provide adequate behavioral health
141 services is limited by a shortage of professionals and
142 paraprofessionals.

143 2. The state is experiencing an increase in opioid
144 addictions, many of which prove fatal.

145 3. Peer specialists provide effective support services
146 because they share common life experiences with the persons they
147 assist.

148 4. Peer specialists promote a sense of community among
149 those in recovery.

150 5. Research has shown that peer support facilitates

151 recovery and reduces health care costs.

152 6. Persons who are otherwise qualified to serve as peer
153 specialists may have a criminal history that prevents them from
154 meeting background screening requirements.

155 (b) The Legislature intends to expand the use of peer
156 specialists as a cost-effective means of providing services. The
157 Legislature also intends to ensure that peer specialists meet
158 specified qualifications and modified background screening
159 requirements and are adequately reimbursed for their services.

160 (2) QUALIFICATIONS.—

161 (a) A person may seek certification as a peer specialist
162 if he or she has been in recovery from a substance use disorder
163 or mental illness for the past 2 years or if he or she is a
164 family member or caregiver of a person with a substance use
165 disorder or mental illness.

166 (b) To obtain certification as a peer specialist, a person
167 must complete the training program developed under subsection
168 (3), achieve a passing score on the competency exam described in
169 paragraph (3)(a), and meet the background screening requirements
170 specified in subsection (4).

171 (3) DUTIES OF THE DEPARTMENT.—

172 (a) The department shall develop a training program for
173 persons seeking certification as peer specialists. The
174 department must give preference to trainers who are certified
175 peer specialists. The training program must coincide with a

176 competency exam and be based on current practice standards.

177 (b) The department may certify peer specialists directly
178 or may approve one or more third-party credentialing entities
179 for the purposes of certifying peer specialists, approving
180 training programs for individuals seeking certification as peer
181 specialists, approving continuing education programs, and
182 establishing the minimum requirements and standards applicants
183 must meet to maintain certification. Background screening
184 required for achieving certification must be conducted as
185 provided in subsection (4) and may not be conducted by third-
186 party credentialing entities.

187 (c) The department shall require that a peer specialist
188 providing recovery support services be certified; however, an
189 individual who is not certified may provide recovery support
190 services as a peer specialist for up to 1 year if he or she is
191 working toward certification and is supervised by a qualified
192 professional or by a certified peer specialist who has at least
193 2 years of full-time experience as a peer specialist at a
194 licensed behavioral health organization.

195 (4) BACKGROUND SCREENING.—

196 (a) A peer specialist, or an individual who is working
197 toward certification and providing recovery support services as
198 provided in subsection (3), must have completed or have been
199 lawfully released from confinement, supervision, or any
200 nonmonetary condition imposed by the court for any felony and

201 must undergo a background screening as a condition of initial
202 and continued employment. The applicant must submit a full set
203 of fingerprints to the department or to a vendor, an entity, or
204 an agency that enters into an agreement with the Department of
205 Law Enforcement as provided in s. 943.053(13). The department,
206 vendor, entity, or agency shall forward the fingerprints to the
207 Department of Law Enforcement for state processing and the
208 Department of Law Enforcement shall forward the fingerprints to
209 the Federal Bureau of Investigation for national processing. The
210 department shall screen the results to determine if a peer
211 specialist meets certification requirements. The applicant is
212 responsible for all fees charged in connection with state and
213 federal fingerprint processing and retention. The state cost for
214 fingerprint processing shall be as provided in s. 943.053(3) (e)
215 for records provided to persons or entities other than those
216 specified as exceptions therein. Fingerprints submitted to the
217 Department of Law Enforcement pursuant to this paragraph shall
218 be retained as provided in s. 435.12 and, when the Department of
219 Law Enforcement begins participation in the program, enrolled in
220 the Federal Bureau of Investigation's national retained
221 fingerprint arrest notification program, as provided in s.
222 943.05(4). Any arrest record identified must be reported to the
223 department.

224 (b) The department or the Agency for Health Care
225 Administration, as applicable, may contract with one or more

226 vendors to perform all or part of the electronic fingerprinting
227 pursuant to this section. Such contracts must ensure that the
228 owners and personnel of the vendor performing the electronic
229 fingerprinting are qualified and will ensure the integrity and
230 security of all personal identifying information.

231 (c) Vendors who submit fingerprints on behalf of employers
232 must:

- 233 1. Meet the requirements of s. 943.053; and
234 2. Have the ability to communicate electronically with the
235 state agency accepting screening results from the Department of
236 Law Enforcement and provide the applicant's full first name,
237 middle initial, and last name; social security number or
238 individual taxpayer identification number; date of birth;
239 mailing address; sex; and race.

240 (d) The background screening conducted under this
241 subsection must ensure that a peer specialist has not, during
242 the previous 3 years, been arrested for and is awaiting final
243 disposition of, been found guilty of, regardless of
244 adjudication, or entered a plea of nolo contendere or guilty to,
245 or been adjudicated delinquent and the record has not been
246 sealed or expunged for, any felony.

247 (e) The background screening conducted under this
248 subsection must ensure that a peer specialist has not been
249 arrested for and is awaiting final disposition of, been found
250 guilty of, regardless of adjudication, or entered a plea of nolo

251 contendere or guilty to, or been adjudicated delinquent and the
252 record has not been sealed or expunged for, any offense
253 prohibited under any of the following state laws or similar laws
254 of another jurisdiction:

255 1. Section 393.135, relating to sexual misconduct with
256 certain developmentally disabled clients and reporting of such
257 sexual misconduct.

258 2. Section 394.4593, relating to sexual misconduct with
259 certain mental health patients and reporting of such sexual
260 misconduct.

261 3. Section 409.920, relating to Medicaid provider fraud,
262 if the offense was a felony of the first or second degree.

263 4. Section 415.111, relating to abuse, neglect, or
264 exploitation of vulnerable adults.

265 5. Any offense that constitutes domestic violence as
266 defined in s. 741.28.

267 6. Section 777.04, relating to attempts, solicitation, and
268 conspiracy to commit an offense listed in this paragraph.

269 7. Section 782.04, relating to murder.

270 8. Section 782.07, relating to manslaughter, aggravated
271 manslaughter of an elderly person or a disabled adult,
272 aggravated manslaughter of a child, or aggravated manslaughter
273 of an officer, a firefighter, an emergency medical technician,
274 or a paramedic.

275 9. Section 782.071, relating to vehicular homicide.

- 276 10. Section 782.09, relating to killing an unborn child by
277 injury to the mother.
- 278 11. Chapter 784, relating to assault, battery, and
279 culpable negligence, if the offense was a felony.
- 280 12. Section 787.01, relating to kidnapping.
- 281 13. Section 787.02, relating to false imprisonment.
- 282 14. Section 787.025, relating to luring or enticing a
283 child.
- 284 15. Section 787.04(2), relating to leading, taking,
285 enticing, or removing a minor beyond state limits, or concealing
286 the location of a minor, with criminal intent pending custody
287 proceedings.
- 288 16. Section 787.04(3), relating to leading, taking,
289 enticing, or removing a minor beyond state limits, or concealing
290 the location of a minor, with criminal intent pending dependency
291 proceedings or proceedings concerning alleged abuse or neglect
292 of a minor.
- 293 17. Section 790.115(1), relating to exhibiting firearms or
294 weapons within 1,000 feet of a school.
- 295 18. Section 790.115(2)(b), relating to possessing an
296 electric weapon or device, a destructive device, or any other
297 weapon on school property.
- 298 19. Section 794.011, relating to sexual battery.
- 299 20. Former s. 794.041, relating to prohibited acts of
300 persons in familial or custodial authority.

- 301 21. Section 794.05, relating to unlawful sexual activity
- 302 with certain minors.
- 303 22. Section 794.08, relating to female genital mutilation.
- 304 23. Section 796.07, relating to procuring another to
- 305 commit prostitution, except for those offenses expunged pursuant
- 306 to s. 943.0583.
- 307 24. Section 798.02, relating to lewd and lascivious
- 308 behavior.
- 309 25. Chapter 800, relating to lewdness and indecent
- 310 exposure.
- 311 26. Section 806.01, relating to arson.
- 312 27. Section 810.02, relating to burglary, if the offense
- 313 was a felony of the first degree.
- 314 28. Section 810.14, relating to voyeurism, if the offense
- 315 was a felony.
- 316 29. Section 810.145, relating to video voyeurism, if the
- 317 offense was a felony.
- 318 30. Section 812.13, relating to robbery.
- 319 31. Section 812.131, relating to robbery by sudden
- 320 snatching.
- 321 32. Section 812.133, relating to carjacking.
- 322 33. Section 812.135, relating to home-invasion robbery.
- 323 34. Section 817.034, relating to communications fraud, if
- 324 the offense was a felony of the first degree.
- 325 35. Section 817.234, relating to false and fraudulent

326 insurance claims, if the offense was a felony of the first or
327 second degree.

328 36. Section 817.50, relating to fraudulently obtaining
329 goods or services from a health care provider and false reports
330 of a communicable disease.

331 37. Section 817.505, relating to patient brokering.

332 38. Section 817.568, relating to fraudulent use of
333 personal identification, if the offense was a felony of the
334 first or second degree.

335 39. Section 825.102, relating to abuse, aggravated abuse,
336 or neglect of an elderly person or a disabled adult.

337 40. Section 825.1025, relating to lewd or lascivious
338 offenses committed upon or in the presence of an elderly person
339 or a disabled person.

340 41. Section 825.103, relating to exploitation of an
341 elderly person or a disabled adult, if the offense was a felony.

342 42. Section 826.04, relating to incest.

343 43. Section 827.03, relating to child abuse, aggravated
344 child abuse, or neglect of a child.

345 44. Section 827.04, relating to contributing to the
346 delinquency or dependency of a child.

347 45. Former s. 827.05, relating to negligent treatment of
348 children.

349 46. Section 827.071, relating to sexual performance by a
350 child.

351 47. Section 831.30, relating to fraud in obtaining
352 medicinal drugs.

353 48. Section 831.31, relating to the sale, manufacture, or
354 delivery of, or possession with intent to sell, manufacture, or
355 deliver, any counterfeit controlled substance, if the offense
356 was a felony.

357 49. Section 843.01, relating to resisting arrest with
358 violence.

359 50. Section 843.025, relating to depriving a law
360 enforcement, correctional, or correctional probation officer of
361 the means of protection or communication.

362 51. Section 843.12, relating to aiding in an escape.

363 52. Section 843.13, relating to aiding in the escape of
364 juvenile inmates of correctional institutions.

365 53. Chapter 847, relating to obscenity.

366 54. Section 874.05, relating to encouraging or recruiting
367 another to join a criminal gang.

368 55. Chapter 893, relating to drug abuse prevention and
369 control, if the offense was a felony of the second degree or
370 greater severity.

371 56. Section 895.03, relating to racketeering and
372 collection of unlawful debts.

373 57. Section 896.101, relating to the Florida Money
374 Laundering Act.

375 58. Section 916.1075, relating to sexual misconduct with

376 certain forensic clients and reporting of such sexual
377 misconduct.

378 59. Section 944.35(3), relating to inflicting cruel or
379 inhuman treatment on an inmate resulting in great bodily harm.

380 60. Section 944.40, relating to escape.

381 61. Section 944.46, relating to harboring, concealing, or
382 aiding an escaped prisoner.

383 62. Section 944.47, relating to introduction of contraband
384 into a correctional institution.

385 63. Section 985.701, relating to sexual misconduct in
386 juvenile justice programs.

387 64. Section 985.711, relating to introduction of
388 contraband into a detention facility.

389 (5) EXEMPTION REQUESTS.—A person who wishes to become a
390 peer specialist and is disqualified under subsection (4) may
391 request an exemption from disqualification pursuant to s. 435.07
392 from the department or the Agency for Health Care
393 Administration, as applicable.

394 (6) GRANDFATHER CLAUSE.—A peer specialist certified as of
395 July 1, 2022, is deemed to satisfy the requirements of this
396 section.

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

401 ~~caregiver of a person with a substance use disorder or mental~~
402 ~~illness.~~

403 ~~(2) The department shall approve one or more third-party~~
404 ~~credentialing entities for the purposes of certifying peer~~
405 ~~specialists, approving training programs for individuals seeking~~
406 ~~certification as peer specialists, approving continuing~~
407 ~~education programs, and establishing the minimum requirements~~
408 ~~and standards that applicants must achieve to maintain~~
409 ~~certification. To obtain approval, the third-party credentialing~~
410 ~~entity must demonstrate compliance with nationally recognized~~
411 ~~standards for developing and administering professional~~
412 ~~certification programs to certify peer specialists.~~

413 ~~(3) An individual providing department-funded recovery~~
414 ~~support services as a peer specialist shall be certified~~
415 ~~pursuant to subsection (2). An individual who is not certified~~
416 ~~may provide recovery support services as a peer specialist for~~
417 ~~up to 1 year if he or she is working toward certification and is~~
418 ~~supervised by a qualified professional or by a certified peer~~
419 ~~specialist who has at least 3 years of full-time experience as a~~
420 ~~peer specialist at a licensed behavioral health organization.~~

421 Section 4. This act shall take effect July 1, 2022.