

## SUBSTANCE ABUSE AND MENTAL HEALTH

### **SB 838: Public Records/Mental Health Facilities**

Bill Sponsor: Senator Powell

Effective Date: July 1, 2019

Pending Governor's Approval

- Provides an exemption from public records requirements for petitions for voluntary and involuntary admission for mental health treatment, court orders, related records, and personal identifying information regarding persons seeking mental health treatment and services;
- Provides for future legislative review and repeal of the exemption;
- Provides a statement of public necessity.

### **HB 369: Substance Abuse Services**

Bill Sponsor: Representative Caruso

Effective Date: July 1, 2019

Pending Governor's Approval

- Authorizes the Department and the Agency for Health Care Administration to grant exemptions from disqualification to work solely in mental health treatment programs and facilities, in recovery residences, or in those programs or facilities that treat co-occurring substance use and mental health disorders, to an employee otherwise disqualified from employment under s. 435.07, F.S.;
- Revises the definition of "recovery residence" in s. 397.311, F.S., to include the community housing component of a licensed day or night treatment facility with community housing;
- Licensed day or night treatment with community housing providers will need to obtain certification as a recovery residence for their community housing components in order to continue referring individuals from the treatment portion of their program to their housing component; the housing components will also require a certified recovery residence administrator to actively manage them, and they would be subject to the referral restrictions of s. 397.4873, F.S.;
- Creates a new exception to allow licensed service providers to be able to make referrals to or accept referrals from a non-certified recovery residence that is democratically operated by its residents pursuant to a charter from a congressionally recognized or sanctioned entity provided the residence or any resident of the residence does not receive a benefit, directly or indirectly, for the referral; this would apply to recovery residences such as the Oxford House.
- Revises the definition of "clinical supervisor" under s. 397.311, F.S., to require that clinical supervisors meet the requirements of a qualified professional under s. 397.311(34), F.S.; revises the definition to also include a person who maintains lead responsibility for the overall coordination and provision of clinical services rather than just a person who manages personnel who provide direct clinical treatment;
- Revises patient brokering statute in Chapter 817, F.S., so that the patient brokering statute does not apply to any such payment scheme expressly permitted under the federal anti-kickback statute; for entities that contract with a marketing provider that provides referral services to a recovery residence, the bill makes it a contractual requirement for the marketing provider to disclose the nature of the referral and the list of DCF's licensed service providers and certified recovery residences;

- Creates a definition for “peer specialist” that is consistent with the Department’s peer specialist guidelines and guidance documents; requires peer specialists to be certified, except in limited circumstances, to provide Department-funded recovery support services;
- Provides qualifications for peer specialists;
- Requires the Department to approve training and continuing education programs for peer specialist certification; the Department must designate one or more credentialing entities that have met nationally-recognized standards for developing and administering certification programs to handle the training and certification of peer specialists;
- Provides for review of certain decisions made by department-recognized credentialing entities; provides certain prohibitions and penalties;
- Beginning July 1, 2019, peer specialists will be subject to level 2 background screenings, and, along with recovery residence owners, directors, chief financial officers, and clinical supervisors, will also be subject to disqualification for offenses in s. 408.809, F.S., in addition to those in ch. 435, F.S.
- Expands the crimes for which an individual may receive an exemption from disqualification without the statutorily imposed waiting period, if they are working with adolescents 13 years of age and older and adults with substance use disorders;
- Increases criminal penalties for certain offenses from a first-degree misdemeanor to a third-degree felony; creates a new offense for anyone who willfully, knowingly, or intentionally makes false statements, misrepresents, impersonates, fails to disclose, or otherwise fraudulently discloses inaccurate information on a licensure application when such fact is material to determining one’s qualifications to be an owner, director, volunteer, or other personnel of a service provider.

## **SB 1418: Mental Health**

Bill Sponsor: Senator Powell

Effective Date: July 1, 2019

Pending Governor’s Approval

- Requires that when a patient communicates a specific threat to cause seriously bodily injury or death against an identifiable individual to a mental health service provider, the provider must release information from the clinical record of the patient sufficient to inform law enforcement of the potential threat; requiring the notified law enforcement agency to take appropriate action to prevent the risk of harm to the victim;
- Increases the number of days, from the next working day to five working days that the receiving facility has to submit forms to the Department, to allow the Department to capture data on whether the minor was admitted, released, or a petition filed with the court; increases data gathering on involuntary examinations;
- Requires the Department to report to the Governor and Legislature every two years on its findings and recommendations related to involuntary examinations of minors;
- Requires the Department of Education (DOE), in consultation with the Department’s Statewide Office for Suicide Prevention and suicide prevention experts, to add suicide screening as part of its requirements for “Suicide Prevention Certified Schools;” DOE must keep a list of “Suicide Prevention Certified Schools” on its website, and school districts must post on their websites a list of “Suicide Prevention Certified Schools” in their districts;
- Requires DOE to identify available standardized suicide screening instruments that are appropriate to use with a school-age population and have acceptable validity and reliability, and include information about obtaining instruction in their administration and use; the suicide screening will be

used alongside awareness and prevention materials for training instructional personnel in elementary, middle, and high schools in youth suicide awareness, prevention, and screening;

- Revises the statutorily defined purpose of the Department’s Sexually Violent Predator Program (SVPP) to include that it rehabilitates criminal offenders upon commitment of a sexually violent predator; will allow SVPP to administer a criminal justice function pursuant to statute and therefore qualify as a criminal justice agency under federal law; allows the Department to gain access to records from the FBI’s National Crime Information Center.

## OTHER

### **HB 5301: Information Technology Reorganization**

Bill Sponsor: Representative Williamson

Effective Date: July 1, 2019

Pending Governor’s Approval

- Transfers powers, duties, functions, records, offices, personnel, pending issues and contracts, administrative authority, administrative rules, and funds from the Agency for State Technology to the Department of Management Services (DMS) by a type two transfer;
- Establishes Division of State Technology within DMS;
- Specifies reporting requirements for executive branch agencies and judicial branch through statewide travel management system;
- Requires each state agency to adopt formal procedures for cloud-computing options;
- Creates Florida Cybersecurity Task Force.

### **HB 7125: Administration of Justice**

Bill Sponsor: Senator Brandes

Effective Date: October 1, 2019

Pending Governor’s Approval

- Creates and revises numerous provisions relating to public safety including increases in threshold amounts for certain theft offenses;
- Eliminates or reduces the length of driver license revocation for certain offenses;
- Creates and revises provisions relating to expungement and sealing of records;
- Revises provisions relating to inmate transitional assistance;
- Revises provisions relating to probation violations; revises provisions relating to crime victim assistance;
- Exempts any inmate substance abuse program operated by or under an exclusive contract with a jail or the Department of Corrections from having to obtain certification as a requirement for licensure under Chapter 397, F.S.
- Allowing each judicial circuit to establish a community court program for defendants charged with certain misdemeanor offenses and specifying program requirements;

- Revises the statutorily defined purpose of the Department’s Sexually Violent Predator Program (SVPP) to include that it rehabilitates criminal offenders upon commitment of a sexually violent predator; will allow SVPP to administer a criminal justice function pursuant to statute and therefore qualify as a criminal justice agency under federal law; allows the Department to gain access to records from the FBI’s National Crime Information Center.

## SB 7030: Implementation of Legislative Recommendations of the Marjory Stoneman Douglas High School Public Safety Commission

Bill Sponsor: **Education**

Effective Date: Upon becoming law

Chapter No. 2019-22, Laws of Florida

- Requires sheriffs to establish a school guardian program or contract with another sheriff’s office that has established a program under a certain condition;
- Enhances student safety by, among other things, expediting services for students with mental or behavioral disorders;
- Expands the authorized uses of the mental health assistance allocation, provides school district flexibility for expenditures, and requires a program and expenditure plan for school districts and charter schools;
- Requires the Office of Safe Schools (OSS) to annually provide training for specified personnel;
- Requires OSS in coordination with the Florida Department of Law Enforcement to provide a centralized data repository and data analytics resources to improve access to timely, complete, and accurate information integrating data from, at a minimum, but no limited to, the following data sources by August 1, 2019: social media, Department of Children and Families, the Department of Law Enforcement, Department of Juvenile Justice, and local law enforcement.
- Requires district school boards and school district superintendents to partner with security agencies to establish or assign safe-school officers;
- Revises requirements for school district zero-tolerance policies;
- Requires the Florida Safe Schools Assessment Tool (FSSAT) to be the primary site security assessment tool for school districts.