



828502

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/11/2014	.	
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The Committee on Children, Families, and Elder Affairs (Clemens) recommended the following:

Senate Amendment (with title amendment)

Delete lines 33 - 172

and insert:

Section 1. Subsections (10) and (11) are added to section 397.305, Florida Statutes, to read:

397.305 Legislative findings, intent, and purpose.—

(10) It is recognized by the Legislature that a person suffering from addiction has a higher success rate of achieving long-lasting sobriety when given the opportunity to build a



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11 stronger foundation by living in a supportive, sober environment
12 after completing treatment.

13 (11) It is the intent of the Legislature to protect persons
14 who live in a sober house transitional living home while they
15 undergo treatment as provided in s. 397.311(18) at a licensed
16 facility. These persons represent a vulnerable consumer
17 population in need of adequate housing, whom this state and its
18 subdivisions have a legitimate state interest in protecting.

19 Section 2. Subsections (30) through (39) of section
20 397.311, Florida Statutes, are amended to read:

21 397.311 Definitions.—As used in this chapter, except part
22 VIII, the term:

23 (30) "Recovery residence" means a democratically run, peer-
24 managed, and peer-supported dwelling for a resident who is
25 established in his or her recovery and who is a party to a
26 single lease agreement to occupy the dwelling which has a single
27 beginning date and a single termination date.

28 (31) "Registrable component" includes a sober house
29 transitional living home that is a residential dwelling unit
30 that provides, offers, or advertises housing in an alcohol-free
31 and drug-free living environment to persons who need room and
32 board while receiving treatment services as provided in s.
33 397.311(18) at a licensed facility. This term includes the
34 community housing component of a day or night treatment facility
35 or a residential treatment facility that offers level 5
36 treatment programs, but the term does not include a recovery
37 residence.

38 (32) "Residential dwelling unit" means a single unit used
39 primarily for living and sleeping which provides complete



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40 independent living facilities for one or more persons, including
41 permanent provisions for living, sleeping, eating, cooking, and
42 sanitation.

43 (33)~~(30)~~ "Screening" means the gathering of initial
44 information to be used in determining a person's need for
45 assessment, services, or referral.

46 (34)~~(31)~~ "Secure facility," except where the context
47 indicates a correctional system facility, means a provider that
48 has the authority to deter the premature departure of
49 involuntary individuals whose leaving constitutes a violation of
50 a court order or community-based supervision as provided by law.
51 The term "secure facility" includes addictions receiving
52 facilities and facilities authorized by local ordinance for the
53 treatment of habitual abusers.

54 (35)~~(32)~~ "Service component" or "component" means a
55 discrete operational entity within a service provider which is
56 subject to licensing as defined by rule. Service components
57 include prevention, intervention, and clinical treatment as
58 defined ~~described~~ in subsection (18).

59 (36)~~(33)~~ "Service provider" or "provider" means a public
60 agency, a private for-profit or not-for-profit agency, a person
61 who is a private practitioner, or a hospital licensed under this
62 chapter or exempt from licensure under this chapter.

63 (37)~~(34)~~ "Service provider personnel" or "personnel"
64 includes all owners, directors, chief financial officers, staff,
65 and volunteers, including foster parents, of a service provider.

66 (38) "Sober house operator" means a person who operates a
67 sober house transitional living home.

68 (39)~~(35)~~ "Stabilization" connotes short-term emergency



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69 treatment and means:

70 (a) Alleviation of a crisis condition; or

71 (b) Prevention of further deterioration;

72

73 ~~and connotes short-term emergency treatment.~~

74 (40) ~~(36)~~ "Substance abuse" means the misuse or abuse of, or
75 dependence on alcohol, illicit drugs, or prescription
76 medications. As an individual progresses along this continuum of
77 misuse, abuse, and dependence, there is an increased need for
78 substance abuse intervention and treatment to help abate the
79 problem.

80 (41) ~~(37)~~ "Substate entity" means a departmental office
81 designated to serve a geographical area specified by the
82 department.

83 (42) ~~(38)~~ "System of care" means a coordinated continuum of
84 community-based services and supports that are organized to meet
85 the challenges and needs of individuals who are at risk of
86 developing substance abuse problems or individuals who have
87 substance abuse problems.

88 (43) ~~(39)~~ "Treatment plan" means an immediate and a long-
89 range plan based upon an individual's assessed needs and used to
90 address and monitor an individual's recovery from substance
91 abuse.

92 Section 3. Section 397.487, Florida Statutes, is created to
93 read:

94 397.487 Sober house transitional living homes.—

95 (1) APPLICATION.—

96 (a) A sober house transitional living home may not operate
97 in this state without a valid certificate of registration from



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98 the department. However, a sober house transitional living home
99 that is licensed by the department as a residential treatment
100 facility that offers level 5 treatment programs or a sober house
101 transitional living home that is intended to serve as and has a
102 license for the community housing component of a day or night
103 treatment facility is not required to obtain additional
104 licensure or registration for the housing component of the
105 license.

106 (b) A sober house operator shall annually apply to the
107 department for a certificate of registration to operate a sober
108 house transitional living home by submitting the following:

109 1. The name and physical address of the sober house
110 transitional living home.

111 2. The name of the sober house operator.

112 3. The number of individuals served at the sober house
113 transitional living home.

114 4. Proof of screening and background checks as required
115 under chapter 435.

116 5. Written eviction procedures in accordance with
117 subsection (7).

118 6. Proof of satisfactory fire, safety, and health
119 inspections and compliance with local zoning ordinances.

120 7. A registration fee, not to exceed \$200.

121 (c) A sober house transitional living home in existence on
122 July 1, 2014, shall apply for a certificate of registration by
123 September 1, 2014. This paragraph does not apply to a sober
124 house transitional living home in existence on July 1, 2014,
125 which has a license for the community housing component of a day
126 or night treatment facility or is licensed as a residential



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127 treatment facility that offers level 5 treatment programs.

128 (d) The department shall adopt rules pertaining to the
129 application process for obtaining a certificate of registration.

130 (2) BACKGROUND SCREENING.—

131 (a) The owner, director, manager, operator, and chief
132 financial officer of a sober house transitional living home are
133 subject to level 2 background screening as provided in s.
134 435.04.

135 (b) The department may not grant a certificate of
136 registration to a sober house transitional living home that
137 fails to provide proof that background screening information has
138 been submitted in accordance with chapter 435.

139 (c) If a background screening reveals that an individual
140 specified in paragraph (a) has been arrested for and is awaiting
141 final disposition of; has been found guilty of, regardless of
142 adjudication, or has entered a plea of nolo contendere or guilty
143 to; or has been adjudicated delinquent and the record has not
144 been sealed or expunged for, an offense prohibited under the
145 level 2 screening standards established in s. 435.04, the
146 department may not grant a certificate of registration to the
147 applicant's sober house transitional living home unless an
148 exemption from disqualification has been granted by the
149 department pursuant to chapter 435.

150 (d) The department shall immediately suspend the
151 certificate of registration of a sober house transitional living
152 home if an individual specified in paragraph (a), while acting
153 in his or her professional capacity, is arrested for and is
154 awaiting final disposition of; is found guilty of, regardless of
155 adjudication, or enters a plea of nolo contendere or guilty to;



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156 or is adjudicated delinquent and the record has not been sealed
157 or expunged for, an offense prohibited under the level 2
158 screening standards established in s. 435.04. The department
159 shall reinstate the certificate of registration after such
160 individual resigns or is removed from his or her position at the
161 sober house transitional living home and replaced by another
162 qualified individual who passes the level 2 background screening
163 as provided in s. 435.04.

164 (3) PENALTIES.—A person or agency that operates a
165 residential dwelling unit as a sober house transitional living
166 home without a valid certificate of registration in accordance
167 with this section commits a misdemeanor of the first degree,
168 punishable as provided in s. 775.082 or s. 775.083.

169 (4) ADVERTISING.—A person, as defined in s. 1.01, who owns
170 or operates a sober house transitional living home must include
171 the home's state registration number within an advertisement of
172 the sober house transitional living home. A person who violates
173 this subsection commits a misdemeanor of the first degree,
174 punishable as provided in s. 775.082 or s. 775.083.

175 (5) INSPECTIONS.—

176 (a) An authorized agent of the department may enter and
177 inspect at any time a sober house transitional living home that
178 has a certificate of registration from the department to
179 determine whether it is in compliance with s. 397.411 and rules
180 65D-30.004 and 65D-30.0081, Florida Administrative Code.

182 ===== T I T L E A M E N D M E N T =====

183 And the title is amended as follows:

184 Delete lines 2 - 11



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185 and insert:

186 An act relating to substance abuse services; amending
187 s. 397.305, F.S.; providing legislative intent with
188 regard to sober house transitional living homes;
189 amending s. 397.311, F.S.; defining terms; creating s.
190 397.487, F.S.; prohibiting a sober house transitional
191 living home from operating in this state without a
192 valid certificate of registration from the Department
193 of Children and Families; providing an exceptions;
194 requiring a sober house operator to annually apply for
195 a certificate of registration with the department;
196 requiring certain sober house transitional living
197 homes to apply for a certificate of registration by a
198 specified date; providing for nonapplicability;