

571-186AX-08

Bill No. CS/HB 1073

Amendment No. ____ (for drafter's use only)

| | <u>Senate</u> | CHAMBER ACTION | <u>House</u> |
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Representative(s) Andrews offered the following:

Amendment (with title amendment)

On page 6, between lines 16 and 17, of the bill

insert:

Section 3. Section 394.8781, Florida Statutes, is created to read:

394.8781 Behavioral health, mental health, and substance abuse services.--

(1) Any person, facility, or program offering or providing behavioral health, mental health, or substance abuse services, including halfway houses, "sober houses," or any other transitional strategies, is required to be licensed by the department. For purposes of this section, "halfway houses, 'sober houses,' and any other transitional strategies" means any facility, including, but not limited to, hotels, motels, rooming houses, transient apartments, condominiums, or bed and breakfasts, in which a client or patient resides while undergoing counseling or treatment for behavioral health, mental health, or substance abuse, other than the individual's

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1 personal, private residence. This subsection applies to the
2 licensee regardless of the licensee's status as a public or
3 private, for-profit or nonprofit entity.

4 (2) The acceptance of accreditation of any behavioral
5 health, mental health, or substance abuse facility, program,
6 or transitional strategies by outside organizations in lieu of
7 licensing by the department is prohibited. This subsection
8 applies to the licensee regardless of the licensee's status as
9 a public or private, for-profit or nonprofit entity.

10 (3) The licensing agency for behavioral health, mental
11 health, and substance abuse facilities and programs, including
12 transitional strategies, shall conduct a complete background
13 check on all persons owning, operating, and employed by such
14 facilities, including all members of advisory committees or
15 boards of directors, whether they are voluntary or have a
16 financial interest in the facility, program, or transitional
17 strategies. The cost of the background check shall be borne by
18 the applicant for the license. A license shall not be issued
19 if any such person has been convicted of, entered a plea of
20 guilty or nolo contendere to, or has had adjudication withheld
21 for a violation of s. 893.135, Florida Statutes, pertaining to
22 trafficking in controlled substances, or any other felony; or
23 for a violation of the law of another state, the District of
24 Columbia, the United States or any possession or territory
25 thereof, or any foreign jurisdiction which is substantially
26 similar in elements and penalties to a trafficking offense in
27 this state, unless the person's civil rights have been
28 restored.

29 (4) Halfway houses, "sober houses," and any other
30 residential facilities, programs, or strategies shall provide
31 to the department official documents for proof of compliance

1 with local laws and ordinances related to zoning, health,
2 fire, and safety.

3 (5) Halfway houses, "sober houses," and any other
4 residential facilities, programs, or strategies are required
5 to comply with all laws and rules for transient facilities
6 established by the Division of Hotels, Motels, and Restaurants
7 of the Department of Business and Professional Regulation.

8 (6) The licensing agency for behavioral health, mental
9 health, and substance abuse facilities and programs shall
10 conduct periodic, unannounced inspections of all facilities
11 and programs, including halfway houses, "sober houses," and
12 any other transitional strategies. The cost of inspections and
13 reinspections shall be borne by the licensee. Inspections
14 shall include audits of client or patient records, as
15 applicable, treatment protocols, and all health, safety,
16 welfare, and civil rights of persons being treated for
17 behavioral health, mental health, or substance abuse. There
18 shall be a minimum of four inspections per year, not counting
19 followup inspections to determine corrections to violations.

20 (7) All facilities and programs providing behavioral
21 health, mental health, or substance abuse services, including
22 halfway houses, "sober houses," or any transitional
23 facilities, shall maintain records of all clients, patients,
24 or residents, as applicable, and shall establish a database on
25 success and failure rates.

26 (8) Behavioral health, mental health, or substance
27 abuse facilities, programs, or services, including halfway
28 houses, "sober houses," or any transitional facilities, are
29 prohibited from providing services or treatments to adults and
30 minors unless separate living and separate treatment
31 facilities are provided.

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1 Section 4. Subsection (6) is added to section 397.401,
2 Florida Statutes, to read:

3 397.401 License required; penalty; injunction; rules
4 waivers.--

5 (6) Any person, facility, or program offering
6 behavioral health, mental health, or substance abuse services,
7 including halfway houses, "sober houses," or any other
8 transitional strategies, is required to be licensed by the
9 department pursuant to s. 394.8781.

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

13 And the title is amended as follows:

14 On page 2, line 1, after the semicolon,

15

16 insert:

17 creating s. 394.8781, F.S.; providing
18 requirements relating to persons, facilities,
19 and programs offering behavioral health, mental
20 health, and substance abuse services; providing
21 for licensure, background checks, compliance
22 with laws and rules for transient facilities
23 and with local laws and ordinances,
24 inspections, recordkeeping, and separate
25 facilities for minors; amending s. 397.401,
26 F.S.; requiring persons, facilities, and
27 programs offering behavioral health, mental
28 health, and substance abuse services to be
29 licensed pursuant to s. 394.8781, F.S.;

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