

By Senator Clemens

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1 A bill to be entitled
2 An act relating to substance abuse services; amending
3 s. 397.311, F.S.; defining the term "sober house
4 transitional living home" as it relates to the Hal S.
5 Marchman Alcohol and Other Drug Services Act; amending
6 s. 397.403, F.S.; requiring that an applicant seeking
7 licensure for a proposed facility that would provide
8 specified substance abuse services adhere to local,
9 municipal, or county standards for zoning and
10 occupancy; requiring such applicants to provide
11 written notice to the chief executive officer of the
12 appropriate local government before receiving
13 licensure as a substance abuse service provider;
14 requiring the applicant to stipulate certain criteria
15 within the notice; requiring the local government to
16 review the notification and to determine if the
17 proposed facility and its siting comply with certain
18 requirements; requiring the local government to notify
19 the applicant and the Department of Children and
20 Families of its determination; requiring each sober
21 house transitional living home in existence on a
22 certain date to apply for licensure with the
23 department and give notice to the local government by
24 a specified date; requiring the local government to
25 notify the existing sober house transitional living
26 home and the department of its determination;
27 providing that a dwelling unit that houses a facility
28 that is a sober house transitional living home or that
29 offers certain substance abuse services is subject to

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30 local, municipal, or county zoning and occupancy
31 standards; providing conflict resolution by informal
32 mediation under certain circumstances; requiring the
33 local government to arrange for services of an
34 independent mediator or initiate dispute resolution
35 proceedings; providing procedures for the mediation;
36 providing construction; providing that a city or
37 county government is not required to adopt a local
38 ordinance under certain circumstances; providing that
39 state law prevails over a local ordinance; providing
40 that a local government is not precluded from adopting
41 ordinances that govern facilities that offer certain
42 substance abuse services; providing an effective date.

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

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46 Section 1. Paragraph (a) of subsection (18) of section
47 397.311, Florida Statutes, is amended to read:

48 397.311 Definitions.—As used in this chapter, except part
49 VIII, the term:

50 (18) Licensed service components include a comprehensive
51 continuum of accessible and quality substance abuse prevention,
52 intervention, and clinical treatment services, including the
53 following services:

54 (a) "Clinical treatment" means a professionally directed,
55 deliberate, and planned regimen of services and interventions
56 that are designed to reduce or eliminate the misuse of drugs and
57 alcohol and promote a healthy, drug-free lifestyle. As defined
58 by rule, "clinical treatment services" include, but are not

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59 limited to, the following licensable service components:

60 1. "Addictions receiving facility" is a secure, acute care
61 facility that provides, at a minimum, detoxification and
62 stabilization services; is operated 24 hours per day, 7 days per
63 week; and is designated by the department to serve individuals
64 found to be substance use impaired as described in s. 397.675
65 who meet the placement criteria for this component.

66 2. "Day or night treatment" is a service provided in a
67 nonresidential environment, with a structured schedule of
68 treatment and rehabilitative services.

69 3. "Day or night treatment with community housing" means a
70 program intended for individuals who can benefit from living
71 independently in peer community housing while participating in
72 treatment services for a minimum of 5 hours a day for a minimum
73 of 25 hours per week.

74 4. "Detoxification" is a service involving subacute care
75 that is provided on an inpatient or an outpatient basis to
76 assist individuals to withdraw from the physiological and
77 psychological effects of substance abuse and who meet the
78 placement criteria for this component.

79 5. "Intensive inpatient treatment" includes a planned
80 regimen of evaluation, observation, medical monitoring, and
81 clinical protocols delivered through an interdisciplinary team
82 approach provided 24 hours per day, 7 days per week, in a highly
83 structured, live-in environment.

84 6. "Intensive outpatient treatment" is a service that
85 provides individual or group counseling in a more structured
86 environment, is of higher intensity and duration than outpatient
87 treatment, and is provided to individuals who meet the placement

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88 criteria for this component.

89 7. "Medication-assisted treatment for opiate addiction" is
90 a service that uses methadone or other medication as authorized
91 by state and federal law, in combination with medical,
92 rehabilitative, and counseling services in the treatment of
93 individuals who are dependent on opioid drugs.

94 8. "Outpatient treatment" is a service that provides
95 individual, group, or family counseling by appointment during
96 scheduled operating hours for individuals who meet the placement
97 criteria for this component.

98 9. "Residential treatment" is a service provided in a
99 structured live-in environment within a nonhospital setting on a
100 24-hours-per-day, 7-days-per-week basis, and is intended for
101 individuals who meet the placement criteria for this component.

102 10. "Sober house transitional living home" means a
103 residential dwelling unit that provides a peer-supported,
104 managed alcohol-free and drug-free living environment.

105 Section 2. Subsections (4) through (9) are added to section
106 397.403, Florida Statutes, to read:

107 397.403 License application.—

108 (4) An applicant for licensure under this section must
109 adhere to local, municipal, or county standards for zoning and
110 occupancy. After selection of a proposed site, but before
111 receiving a license under this section, the person or entity
112 that applies for licensure to operate a sober house transitional
113 living home as defined in s. 397.311 or to offer day or night
114 treatment, day or night treatment with community housing, or
115 residential treatment shall provide written notice to the chief
116 executive officer of the city or county that governs the area in

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117 which the facility will be located. The applicant shall
118 stipulate in the notice:

119 (a) That, based upon the most recently published data
120 compiled by the department, the proposed facility will not be
121 located within 1,000 feet of a sober house transitional living
122 home or a similar facility that offers day or night treatment,
123 day or night treatment with community housing, or residential
124 treatment. The distance between the proposed facility and an
125 existing facility shall be measured from the nearest point of
126 the existing facility to the nearest point of the proposed
127 facility;

128 (b) The maximum number of residents who will reside at the
129 proposed facility; and

130 (c) The licensed service components identified in s.
131 397.311(18) which will be provided at the proposed facility.

132 (5) The city or county government shall review the notice
133 to determine whether the proposed facility complies with its
134 zoning and occupancy standards and the distance requirements
135 specified in paragraph (4) (a). In making its determination, the
136 city or county government shall also consider whether the siting
137 of the proposed facility would result in an overconcentration of
138 facilities in the proximate area of the proposed facility site
139 which would substantially alter the nature and character of that
140 area. After making its determination, the city or county
141 government shall notify the applicant and the department of its
142 determination.

143 (6) No later than September 1, 2013, a residential dwelling
144 unit that was operating as a sober house transitional living
145 home on or before July 1, 2013, shall apply for licensure under

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146 this section and shall provide written notice to the city or
147 county government as provided in subsection (4). The city or
148 county government shall review the notice and notify the
149 applicant and the department of its determination pursuant to
150 subsection (5).

151 (7) A dwelling unit that is a sober house transitional
152 living home as defined in s. 397.311 or that houses an existing
153 facility that offers day or night treatment, day or night
154 treatment with community housing, or residential treatment is
155 subject to local, municipal, or county zoning and occupancy
156 standards.

157 (8) If the city or county government determines that an
158 applicant's proposed facility or its siting does not comply with
159 subsections (5), (6), or (7), and if it is agreed to by both
160 parties, a conflict may be resolved through informal mediation.
161 The city or county government shall arrange for the services of
162 an independent mediator or may initiate dispute resolution
163 proceedings under s. 186.509. The mediation process must be
164 concluded within 45 days after a request for mediation. This
165 subsection may not be construed as altering the applicant's
166 statutory or common law rights.

167 (9) This section does not require a city or county
168 government to adopt a new ordinance if it has a standing
169 ordinance that meets the criteria specified in subsection (4).
170 State law that governs a facility that is a sober house
171 transitional living home as defined in s. 397.311 or that offers
172 day or night treatment, day or night treatment with community
173 housing, or residential treatment prevails over a local
174 ordinance; however, a city or county government is not precluded

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175 from adopting a more liberal ordinance that governs such
176 facilities.

177 Section 3. This act shall take effect July 1, 2013.