

1 A bill to be entitled

2 An act relating to substance abuse services; amending  
3 s. 397.311, F.S.; providing definitions; creating s.  
4 397.487, F.S.; prohibiting a sober house transitional  
5 living home from operating in this state without a  
6 valid certificate of registration from the Department  
7 of Children and Families; requiring a sober house  
8 operator to annually apply for a certificate of  
9 registration with the department; requiring certain  
10 sober house transitional living homes to apply for a  
11 certificate of registration by a specified date;  
12 requiring the department to adopt rules pertaining to  
13 the application process for obtaining a certificate of  
14 registration; requiring background screening of  
15 certain personnel; requiring the department to suspend  
16 and reinstate a certificate of registration of a sober  
17 house transitional living home under certain  
18 circumstances; providing a criminal penalty for  
19 operating a sober house transitional living home  
20 without a valid certificate of registration; providing  
21 certain requirements in advertising a sober house  
22 transitional living home; providing a criminal  
23 penalty; authorizing the department to conduct  
24 inspections; authorizing the department to deny,  
25 suspend, or revoke the certificate of registration of  
26 a sober house transitional home; providing eviction

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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27 procedures; requiring the department to adopt rules;  
28 amending ss. 212.055 and 440.102, F.S.; conforming  
29 cross-references; providing an effective date.  
30

31 Be It Enacted by the Legislature of the State of Florida:  
32

33 Section 1. Subsections (30) through (39) of section  
34 397.311, Florida Statutes, are amended to read:

35 397.311 Definitions.—As used in this chapter, except part  
36 VIII, the term:

37 (30) "Registrable component" includes a sober house  
38 transitional living home that is a residential dwelling unit  
39 that provides a peer-supported, managed, alcohol-free, and drug-  
40 free living environment.

41 (31) "Residential dwelling unit" means a single unit used  
42 primarily for living and sleeping which provides complete  
43 independent living facilities for one or more persons, including  
44 permanent provisions for living, sleeping, eating, cooking, and  
45 sanitation.

46 ~~(32)~~ ~~(30)~~ "Screening" means the gathering of initial  
47 information to be used in determining a person's need for  
48 assessment, services, or referral.

49 ~~(33)~~ ~~(31)~~ "Secure facility," except where the context  
50 indicates a correctional system facility, means a provider that  
51 has the authority to deter the premature departure of  
52 involuntary individuals whose leaving constitutes a violation of

53 a court order or community-based supervision as provided by law.  
54 The term "secure facility" includes addictions receiving  
55 facilities and facilities authorized by local ordinance for the  
56 treatment of habitual abusers.

57 (34)~~(32)~~ "Service component" or "component" means a  
58 discrete operational entity within a service provider which is  
59 subject to licensing as defined by rule. Service components  
60 include prevention, intervention, and clinical treatment as  
61 defined ~~described~~ in subsection (18).

62 (35)~~(33)~~ "Service provider" or "provider" means a public  
63 agency, a private for-profit or not-for-profit agency, a person  
64 who is a private practitioner, or a hospital licensed under this  
65 chapter or exempt from licensure under this chapter.

66 (36)~~(34)~~ "Service provider personnel" or "personnel"  
67 includes all owners, directors, chief financial officers, staff,  
68 and volunteers, including foster parents, of a service provider.

69 (37) "Sober house operator" means a person who operates a  
70 sober house transitional living home.

71 (38)~~(35)~~ "Stabilization" connotes short-term emergency  
72 treatment and means:

73 (a) Alleviation of a crisis condition; or

74 (b) Prevention of further deterioration,

75  
76 ~~and connotes short-term emergency treatment.~~

77 (39)~~(36)~~ "Substance abuse" means the misuse or abuse of,  
78 or dependence on alcohol, illicit drugs, or prescription

79 medications. As an individual progresses along this continuum of  
 80 misuse, abuse, and dependence, there is an increased need for  
 81 substance abuse intervention and treatment to help abate the  
 82 problem.

83 ~~(40)-(37)~~ "Substate entity" means a departmental office  
 84 designated to serve a geographical area specified by the  
 85 department.

86 ~~(41)-(38)~~ "System of care" means a coordinated continuum of  
 87 community-based services and supports that are organized to meet  
 88 the challenges and needs of individuals who are at risk of  
 89 developing substance abuse problems or individuals who have  
 90 substance abuse problems.

91 ~~(42)-(39)~~ "Treatment plan" means an immediate and a long-  
 92 range plan based upon an individual's assessed needs and used to  
 93 address and monitor an individual's recovery from substance  
 94 abuse.

95 Section 2. Section 397.487, Florida Statutes, is created  
 96 to read:

97 397.487 Sober house transitional living homes.-

98 (1) APPLICATION.-

99 (a) A sober house transitional living home may not operate  
 100 in this state without a valid certificate of registration from  
 101 the department.

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

- 105        1. The name and physical address of the sober house  
 106 transitional living home.
- 107        2. The name of the sober house operator.
- 108        3. The number of individuals served at the sober house  
 109 transitional living home.
- 110        4. Proof of screening and background checks as required  
 111 under chapter 435.
- 112        5. Written eviction procedures in accordance with  
 113 subsection (7).
- 114        6. Proof of satisfactory fire, safety, and health  
 115 inspections and compliance with local zoning ordinances.
- 116        7. A registration fee, not to exceed \$200.
- 117        (c) A sober house transitional living home in existence on  
 118 July 1, 2014, shall apply for a certificate of registration by  
 119 September 1, 2014.
- 120        (d) The department shall adopt rules pertaining to the  
 121 application process for obtaining a certificate of registration.
- 122        (2) BACKGROUND SCREENING.—
- 123        (a) The owner, director, manager, operator, and chief  
 124 financial officer of a sober house transitional living home are  
 125 subject to level 2 background screening as provided in s.  
 126 435.04.
- 127        (b) The department may not grant a certificate of  
 128 registration to a sober house transitional living home that  
 129 fails to provide proof that background screening information has  
 130 been submitted in accordance with chapter 435.

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

142 (d) The department shall immediately suspend the  
143 certificate of registration of a sober house transitional living  
144 home if an individual specified in paragraph (a), while acting  
145 in his or her professional capacity, is arrested for and is  
146 awaiting final disposition of, is found guilty of, regardless of  
147 adjudication, or enters a plea of nolo contendere or guilty to,  
148 or is adjudicated delinquent and the record is not sealed or  
149 expunged, for an offense prohibited under the level 2 screening  
150 standards established in s. 435.04. The department shall  
151 reinstate the certificate of registration after such individual  
152 resigns or is removed from his or her position at the sober  
153 house transitional living home and replaced by another qualified  
154 individual who passes the level 2 background screening as  
155 provided in s. 435.04.

156 (3) PENALTIES.—A person or agency that operates a

157 residential dwelling unit as a sober house transitional living  
 158 home without a valid certificate of registration in accordance  
 159 with this section commits a misdemeanor of the first degree,  
 160 punishable as provided in s. 775.082 or s. 775.083.

161 (4) ADVERTISING.—A person, as defined in s. 1.01, who owns  
 162 or operates a sober house transitional living home must include  
 163 the home's state registration number within an advertisement of  
 164 the sober house transitional living home. A person who violates  
 165 this subsection commits a misdemeanor of the first degree,  
 166 punishable as provided in s. 775.082 or s. 775.083.

167 (5) INSPECTIONS.—

168 (a) An authorized agent of the department may enter and  
 169 inspect at any time a sober house transitional living home that  
 170 has a certificate of registration from the department to  
 171 determine whether it is in compliance with statutory and  
 172 regulatory requirements.

173 (b) An authorized agent of the department may, with the  
 174 permission of the person in charge of the premises or pursuant  
 175 to a warrant, enter and inspect a residential dwelling unit that  
 176 the agent reasonably suspects to be operating as a sober house  
 177 transitional living home in violation of this section.

178 (c) Notwithstanding the confidentiality provisions of this  
 179 chapter, a designated and authorized agent of the department may  
 180 access the records of the individuals served by a sober house  
 181 transitional living home solely for purposes of certification,  
 182 monitoring, and investigation. The department may interview

183 these individuals as specified by rule.

184 (d) Before the department grants or denies a certificate  
 185 of registration, an authorized agent of the department may enter  
 186 and inspect at any time the premises of an applicant sober house  
 187 transitional living home.

188 (e) The department shall maintain certificates of  
 189 registration and reports of inspections of sober house  
 190 transitional living homes as public records that are available  
 191 to any person upon request and upon payment of a reasonable  
 192 charge for copying as provided in s. 119.07.

193 (6) DENIAL; SUSPENSION; AND REVOCATION.—

194 (a) If the department determines that an applicant or a  
 195 sober house transitional living home is not in compliance with  
 196 statutory and regulatory requirements, the department may deny,  
 197 suspend, revoke, or impose reasonable restrictions or penalties  
 198 on the certificate of registration or any portion of the  
 199 certificate. In such case, the department may:

200 1. Impose an administrative penalty of up to \$500 per day  
 201 against a sober house transitional living home that operates in  
 202 violation of statutory or regulatory requirements.

203 2. Suspend or revoke a sober house transitional living  
 204 home's certificate of registration if, after notice, the  
 205 department determines that the home has failed to correct a  
 206 substantial or chronic violation of a statutory or regulatory  
 207 requirement which impacts the safety of the individuals served  
 208 at the home.

209        (b) If a sober house transitional living home's  
 210 certificate of registration is revoked, the home is barred from  
 211 submitting an application for a certificate of registration to  
 212 the department for a period of 1 year after the revocation.

213        (c) Proceedings for the denial, suspension, or revocation  
 214 of a sober house transitional living home's certificate of  
 215 registration must be conducted in accordance with chapter 120.

216        (d) The department may maintain an action in court to  
 217 enjoin the operation of an uncertified sober house transitional  
 218 living home that violates this section.

219        (7) EVICTIONS.—In order to avoid increased homelessness  
 220 and crime and to ensure that the due process rights of a tenant  
 221 are not violated, a sober house transitional living home that is  
 222 not subject to chapter 83 must provide 48 hours' advance,  
 223 written notice of eviction to a tenant or immediate shelter to  
 224 that tenant for at least 48 hours after eviction at an  
 225 alternative temporary dwelling unit. As used in this subsection,  
 226 the term "tenant" means an individual entitled to occupy or  
 227 reside at a sober house transitional living home in accordance  
 228 with a written agreement.

229        (8) RULES.—The department shall adopt rules to administer  
 230 this section.

231        Section 3. Paragraph (e) of subsection (5) of section  
 232 212.055, Florida Statutes, is amended to read:

233        212.055 Discretionary sales surtaxes; legislative intent;  
 234 authorization and use of proceeds.—It is the legislative intent

235 that any authorization for imposition of a discretionary sales  
236 surtax shall be published in the Florida Statutes as a  
237 subsection of this section, irrespective of the duration of the  
238 levy. Each enactment shall specify the types of counties  
239 authorized to levy; the rate or rates which may be imposed; the  
240 maximum length of time the surtax may be imposed, if any; the  
241 procedure which must be followed to secure voter approval, if  
242 required; the purpose for which the proceeds may be expended;  
243 and such other requirements as the Legislature may provide.  
244 Taxable transactions and administrative procedures shall be as  
245 provided in s. 212.054.

246 (5) COUNTY PUBLIC HOSPITAL SURTAX.—Any county as defined  
247 in s. 125.011(1) may levy the surtax authorized in this  
248 subsection pursuant to an ordinance either approved by  
249 extraordinary vote of the county commission or conditioned to  
250 take effect only upon approval by a majority vote of the  
251 electors of the county voting in a referendum. In a county as  
252 defined in s. 125.011(1), for the purposes of this subsection,  
253 "county public general hospital" means a general hospital as  
254 defined in s. 395.002 which is owned, operated, maintained, or  
255 governed by the county or its agency, authority, or public  
256 health trust.

257 (e) A governing board, agency, or authority shall be  
258 chartered by the county commission upon this act becoming law.  
259 The governing board, agency, or authority shall adopt and  
260 implement a health care plan for indigent health care services.

261 The governing board, agency, or authority shall consist of no  
262 more than seven and no fewer than five members appointed by the  
263 county commission. The members of the governing board, agency,  
264 or authority shall be at least 18 years of age and residents of  
265 the county. No member may be employed by or affiliated with a  
266 health care provider or the public health trust, agency, or  
267 authority responsible for the county public general hospital.  
268 The following community organizations shall each appoint a  
269 representative to a nominating committee: the South Florida  
270 Hospital and Healthcare Association, the Miami-Dade County  
271 Public Health Trust, the Dade County Medical Association, the  
272 Miami-Dade County Homeless Trust, and the Mayor of Miami-Dade  
273 County. This committee shall nominate between 10 and 14 county  
274 citizens for the governing board, agency, or authority. The  
275 slate shall be presented to the county commission and the county  
276 commission shall confirm the top five to seven nominees,  
277 depending on the size of the governing board. Until such time as  
278 the governing board, agency, or authority is created, the funds  
279 provided for in subparagraph (d)2. shall be placed in a  
280 restricted account set aside from other county funds and not  
281 disbursed by the county for any other purpose.

282 1. The plan shall divide the county into a minimum of four  
283 and maximum of six service areas, with no more than one  
284 participant hospital per service area. The county public general  
285 hospital shall be designated as the provider for one of the  
286 service areas. Services shall be provided through participants'

287 primary acute care facilities.

288         2. The plan and subsequent amendments to it shall fund a  
289 defined range of health care services for both indigent persons  
290 and the medically poor, including primary care, preventive care,  
291 hospital emergency room care, and hospital care necessary to  
292 stabilize the patient. For the purposes of this section,  
293 "stabilization" means stabilization as defined in s. 397.311 ~~s.~~  
294 ~~397.311(35)~~. Where consistent with these objectives, the plan  
295 may include services rendered by physicians, clinics, community  
296 hospitals, and alternative delivery sites, as well as at least  
297 one regional referral hospital per service area. The plan shall  
298 provide that agreements negotiated between the governing board,  
299 agency, or authority and providers shall recognize hospitals  
300 that render a disproportionate share of indigent care, provide  
301 other incentives to promote the delivery of charity care to draw  
302 down federal funds where appropriate, and require cost  
303 containment, including, but not limited to, case management.  
304 From the funds specified in subparagraphs (d)1. and 2. for  
305 indigent health care services, service providers shall receive  
306 reimbursement at a Medicaid rate to be determined by the  
307 governing board, agency, or authority created pursuant to this  
308 paragraph for the initial emergency room visit, and a per-member  
309 per-month fee or capitation for those members enrolled in their  
310 service area, as compensation for the services rendered  
311 following the initial emergency visit. Except for provisions of  
312 emergency services, upon determination of eligibility,

313 enrollment shall be deemed to have occurred at the time services  
314 were rendered. The provisions for specific reimbursement of  
315 emergency services shall be repealed on July 1, 2001, unless  
316 otherwise reenacted by the Legislature. The capitation amount or  
317 rate shall be determined prior to program implementation by an  
318 independent actuarial consultant. In no event shall such  
319 reimbursement rates exceed the Medicaid rate. The plan must also  
320 provide that any hospitals owned and operated by government  
321 entities on or after the effective date of this act must, as a  
322 condition of receiving funds under this subsection, afford  
323 public access equal to that provided under s. 286.011 as to any  
324 meeting of the governing board, agency, or authority the subject  
325 of which is budgeting resources for the retention of charity  
326 care, as that term is defined in the rules of the Agency for  
327 Health Care Administration. The plan shall also include  
328 innovative health care programs that provide cost-effective  
329 alternatives to traditional methods of service and delivery  
330 funding.

331 3. The plan's benefits shall be made available to all  
332 county residents currently eligible to receive health care  
333 services as indigents or medically poor as defined in paragraph  
334 (4) (d).

335 4. Eligible residents who participate in the health care  
336 plan shall receive coverage for a period of 12 months or the  
337 period extending from the time of enrollment to the end of the  
338 current fiscal year, per enrollment period, whichever is less.

339 5. At the end of each fiscal year, the governing board,  
 340 agency, or authority shall prepare an audit that reviews the  
 341 budget of the plan, delivery of services, and quality of  
 342 services, and makes recommendations to increase the plan's  
 343 efficiency. The audit shall take into account participant  
 344 hospital satisfaction with the plan and assess the amount of  
 345 poststabilization patient transfers requested, and accepted or  
 346 denied, by the county public general hospital.

347 Section 4. Paragraphs (d) and (g) of subsection (1) of  
 348 section 440.102, Florida Statutes, are amended to read:

349 440.102 Drug-free workplace program requirements.—The  
 350 following provisions apply to a drug-free workplace program  
 351 implemented pursuant to law or to rules adopted by the Agency  
 352 for Health Care Administration:

353 (1) DEFINITIONS.—Except where the context otherwise  
 354 requires, as used in this act:

355 (d) "Drug rehabilitation program" means a service  
 356 provider, as defined in s. 397.311, which ~~established pursuant~~  
 357 ~~to s. 397.311(33), that~~ provides confidential, timely, and  
 358 expert identification, assessment, and resolution of employee  
 359 drug abuse.

360 (g) "Employee assistance program" means an established  
 361 program capable of providing expert assessment of employee  
 362 personal concerns; confidential and timely identification  
 363 services with regard to employee drug abuse; referrals of  
 364 employees for appropriate diagnosis, treatment, and assistance;

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365 and followup services for employees who participate in the  
366 program or require monitoring after returning to work. If, in  
367 addition to the above activities, an employee assistance program  
368 provides diagnostic and treatment services, these services shall  
369 in all cases be provided by service providers as defined in s.  
370 397.311 ~~pursuant to s. 397.311(33)~~.

371 Section 5. This act shall take effect July 1, 2014.