

By Senator Gruters

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1 A bill to be entitled
2 An act relating to substance abuse and mental health
3 services; amending s. 397.487, F.S.; conforming a
4 provision to changes made by the act; revising
5 requirements relating to the removal and replacement
6 of certified recovery residence administrators;
7 revising requirements relating to credentialing
8 entities denying, revoking, or suspending
9 certifications or imposing sanctions on a recovery
10 residence; requiring the Department of Children and
11 Families to adopt rules; requiring that changes to
12 certification requirements by credentialing entities
13 be adopted by department rule before the change is
14 effective and enforceable; amending s. 397.4871, F.S.;
15 authorizing credentialing entities to approve certain
16 certified recovery residence administrators to
17 actively manage up to a specified number of residents
18 if certain requirements are met; prohibiting certain
19 certified recovery residence administrators who have
20 been removed from a recovery residence from continuing
21 to actively manage more than a specified number of
22 residents without being reapproved by a credentialing
23 entity; creating the Substance Abuse and Mental Health
24 Treatment and Housing Task Force within the Department
25 of Children and Families; providing a purpose for the
26 task force; specifying membership of the task force;
27 requiring the task force to meet at specified
28 intervals; requiring the task force to conduct a
29 specified study and review; requiring the task force

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30 to submit a report to the department by a specified
31 date; requiring the department to submit a report to
32 the Governor and the Legislature by a specified date;
33 exempting certain recovery residences from certain
34 zoning laws and ordinances for a specified timeframe;
35 providing for expiration of the task force; providing
36 an effective date.

37
38 Be It Enacted by the Legislature of the State of Florida:

39
40 Section 1. Paragraph (a) of subsection (2) and paragraphs
41 (b) and (e) of subsection (8) of section 397.487, Florida
42 Statutes, are amended, and paragraph (f) is added to that
43 subsection, to read:

44 397.487 Voluntary certification of recovery residences.—

45 (2) The department shall approve at least one credentialing
46 entity by December 1, 2015, for the purpose of developing and
47 administering a voluntary certification program for recovery
48 residences. The approved credentialing entity shall:

49 (a) Establish recovery residence certification
50 requirements. However, any change to certification requirements
51 on or after October 1, 2023, must be adopted by department rule
52 pursuant to paragraph (8) (f).

53 (8) Onsite followup monitoring of a certified recovery
54 residence may be conducted by the credentialing entity to
55 determine continuing compliance with certification requirements.
56 The credentialing entity shall inspect each certified recovery
57 residence at least annually to ensure compliance.

58 (b) A certified recovery residence must notify the

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59 credentialing entity within 3 business days after the removal of
60 the recovery residence's certified recovery residence
61 administrator due to termination, resignation, or any other
62 reason. The recovery residence has 90 ~~30~~ days to retain a
63 certified recovery residence administrator. If a recovery
64 residence's certified recovery residence administrator has been
65 removed due to termination, resignation, or any other reason and
66 had been approved to actively manage more than 50 residents
67 pursuant to s. 397.4871(8), the recovery residence must retain
68 another certified recovery residence administrator within 90
69 days to continue to manage the approved additional number of
70 residents. The credentialing entity shall revoke the certificate
71 of compliance of any recovery residence that fails to comply
72 with this paragraph.

73 (e) Any decision by a department-recognized credentialing
74 entity to deny, revoke, or suspend a certification, or otherwise
75 impose sanctions on a recovery residence, must be initiated by a
76 formal notice provided to the recovery residence, and the
77 credentialing agency must take final action within 30 days after
78 the initial notification, ~~is reviewable by the department.~~ Upon
79 receiving an adverse determination, the recovery residence may
80 request an administrative hearing pursuant to ss. 120.569 and
81 120.57 ~~ss. 120.569 and 120.57(1)~~ within 30 days after final
82 action taken ~~completing any appeals process offered by the~~
83 credentialing entity or the department, as applicable.

84 (f) Effective October 1, 2023, the department shall adopt
85 by rule the certification requirements established by
86 credentialing entities which are in effect on that date. Any
87 changes to certification requirements by a credentialing entity

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88 on or after October 1, 2023 must be adopted by department rule
89 before such change is effective and enforceable by credentialing
90 entities.

91 Section 2. Paragraph (b) of subsection (8) of section
92 397.4871, Florida Statutes, is amended to read:

93 397.4871 Recovery residence administrator certification.—
94 (8)

95 (b)1. A certified recovery residence administrator may not
96 actively manage more than 50 residents at any given time unless
97 written justification is provided to, and approved by, the
98 credentialing entity as to how the administrator is able to
99 effectively and appropriately respond to the needs of the
100 residents, to maintain residence standards, and to meet the
101 residence certification requirements of this section. However, a
102 certified recovery residence administrator may not actively
103 manage more than 100 residents at any given time except as
104 provided in subparagraph 2.

105 2. A credentialing entity may approve a certified recovery
106 residence administrator to actively manage up to 250 residents
107 if such administrator has been approved to actively manage 100
108 residents under subparagraph 1., if such administrator's
109 recovery residence is wholly owned or controlled by a licensed
110 service provider, and if the licensed service provider maintains
111 a ratio of at least one staff member to eight residents. A
112 certified recovery residence administrator approved under this
113 subparagraph who has been removed by a recovery residence due to
114 termination, resignation, or any other reason may not continue
115 to actively manage more than 100 residents for another recovery
116 residence without being reapproved by the credentialing entity

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117 pursuant to this subparagraph.

118 Section 3. (1) The Substance Abuse and Mental Health
119 Treatment and Housing Task Force, a task force as defined in s.
120 20.03(8), Florida Statutes, is created within the Department of
121 Children and Families. The purpose of the task force is to study
122 issues relating to the regulation of licensed private sector
123 substance abuse and mental health treatment service providers
124 and ancillary therapeutic housing in this state and provide
125 recommended changes to provide best-in-class services with
126 limited governmental intrusion. Except as otherwise provided in
127 this section, the task force shall operate in a manner
128 consistent with s. 20.052, Florida Statutes.

129 (2) The task force is composed of nine members, as follows:

130 (a) A representative of the Executive Office of the
131 Governor, appointed by the Governor.

132 (b) A member of the Senate, appointed by the President of
133 the Senate.

134 (c) A member of the House of Representatives, appointed by
135 the Speaker of the House of Representatives.

136 (d) A representative of the Office of the Attorney General,
137 appointed by the Governor.

138 (e) A representative of the Chief Financial Officer,
139 appointed by the Governor.

140 (f) A representative of the Palm Beach County State
141 Attorney Addiction Recovery Task Force, appointed by the
142 Governor.

143 (g) A representative of the Florida Association of Recovery
144 Residences, appointed by the Governor.

145 (h) A representative of the treatment industry, appointed

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146 by the Governor.

147 (i) A member of The Florida Bar with knowledge and
148 experience in the treatment and therapeutic housing industry,
149 appointed by the Governor.

150 (3) The task force shall appoint a chair and vice-chair and
151 meet no less than monthly.

152 (4) (a) The task force, with assistance from the Department
153 of Children and Families, shall conduct a study to evaluate the
154 impact of chapter 419, Florida Statutes, on treatment services,
155 to identify obstacles to providing all forms of therapeutic,
156 medical, and clinical housing in this state to residents of this
157 state, and to identify any compliance issues with the federal
158 Americans with Disabilities Act and the federal Fair Housing
159 Amendments Act of 1988.

160 (b) The task force shall conduct a review of statewide
161 zoning codes to determine the effect, if any, that local
162 regulations have on the ability of private sector licensed
163 service providers to provide modern, effective, evidence-based
164 treatment and ancillary therapeutic housing to residents of this
165 state.

166 (5) (a) By December 31, 2024, the task force shall submit to
167 the Department of Children and Families a report of its findings
168 and recommendations, including any recommended amendments to
169 chapter 419, Florida Statutes.

170 (b) By June 30, 2025, the Department of Children and
171 Families shall submit a report of the task force's findings and
172 recommendations, and any additional findings and recommendations
173 made by the department, to the Governor, the President of the
174 Senate, and the Speaker of the House of Representatives.

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175 (6) From July 1, 2023, until July 1, 2026, any recovery
176 residence certified by the approved credentialing entity
177 pursuant to s. 397.487, Florida Statutes, is exempt from state
178 or local zoning laws or ordinances, including the requirements
179 of chapter 419, Florida Statutes, which do not apply to all
180 other single-family and multifamily dwellings.

181 (7) This section expires July 1, 2026.

182 Section 4. This act shall take effect July 1, 2023.