



390088

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/15/2023	.	
	.	
	.	
	.	

The Committee on Children, Families, and Elder Affairs (Harrell) recommended the following:

Senate Amendment

Delete lines 37 - 91
and insert:
medication is prescribed. For the purposes of this paragraph,
"marijuana" includes marijuana that has been certified by a
qualified physician for medical use in accordance with s.
381.986.

Section 2. Paragraph (f) is added to subsection (1) of section 397.410, Florida Statutes, to read:



11 397.410 Licensure requirements; minimum standards; rules.—

12 (1) The department shall establish minimum requirements for
13 licensure of each service component, as defined in s.

14 397.311(26), including, but not limited to:

15 (f) A prohibition on the premises against alcohol,
16 marijuana, illegal drugs, and the use of prescribed medications
17 by an individual other than the individual for whom the
18 medication is prescribed. For the purposes of this paragraph,
19 "marijuana" includes marijuana that has been certified by a
20 qualified physician for medical use in accordance with s.
21 381.986.

22 Section 3. Subsection (8) is added to section 397.411,
23 Florida Statutes, to read:

24 397.411 Inspection; right of entry; classification of
25 violations; records.—

26 (8) The department shall establish a mechanism for the
27 imposition and collection of fines for violations under this
28 section no later than January 1, 2024.

29 Section 4. Paragraph (a) of subsection (3) of section
30 397.487, Florida Statutes, is amended, and subsection (12) is
31 added to that section, to read:

32 397.487 Voluntary certification of recovery residences.—

33 (3) A credentialing entity shall require the recovery
34 residence to submit the following documents with the completed
35 application and fee:

36 (a) A policy and procedures manual containing:

37 1. Job descriptions for all staff positions.

38 2. Drug-testing procedures and requirements.

39 3. A prohibition on the premises against alcohol,



390088

40 marijuana, illegal drugs, and the use of prescribed medications
41 by an individual other than the individual for whom the
42 medication is prescribed. For the purposes of this subsection,
43 "marijuana" includes marijuana that has been certified by a
44 qualified physician for medical use in accordance with s.
45 381.986.

46 4. Policies to support a resident's recovery efforts.

47 5. A good neighbor policy to address neighborhood concerns
48 and complaints.

49 (12) Any person discharged from a recovery residence under
50 subsection (11) who willfully refuses to depart after being
51 warned by the owner or an authorized employee of the recovery
52 residence commits the offense of trespass in a recovery
53 residence, a misdemeanor of the second degree, punishable as
54 provided in s. 775.082 or s. 775.083.

55 Section 5. Present subsections (3) through (7) of section
56 397.4873, Florida Statutes, are redesignated as subsections (4)
57 through (8), respectively, a new subsection (3) is added to that
58 section, and present subsections (3) and (6) of that section are
59 amended, to read:

60 397.4873 Referrals to or from recovery residences;
61 prohibitions; penalties.—

62 (3) Notwithstanding subsection (2), a service provider
63 licensed under this part may not make a referral of a
64 prospective, current, or discharged patient to, or accept a
65 referral of such patient from, a recovery residence that allows
66 on its premises the use of alcohol, marijuana, or illegal drugs
67 or the use of prescribed medications by an individual other than
68 the individual for whom the medication is prescribed. For the



390088

69 purposes of this subsection, "marijuana" includes marijuana that
70 has been certified by a qualified physician for medical use in
71 accordance with s. 381.986.