

By Senator Harrell

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1 A bill to be entitled
2 An act relating to substance abuse services; amending
3 s. 397.403, F.S.; revising application requirements
4 for licensure as a substance abuse service provider;
5 amending s. 397.410, F.S.; revising licensure
6 requirements for substance abuse providers; amending
7 s. 397.411, F.S.; requiring the Department of Children
8 and Families to establish, by a specified date, a
9 mechanism to impose and collect fines for certain
10 violations of law; amending s. 397.487, F.S.; revising
11 credentialing requirements for recovery residences;
12 prohibiting persons discharged from a recovery
13 residence from willfully refusing to depart after
14 being warned by specified persons; providing criminal
15 penalties; amending s. 397.4873, F.S.; prohibiting
16 service providers from referring patients to, or
17 accepting referrals from, specified recovery
18 residences; revising requirements regarding patient
19 referrals for substance abuse service providers and
20 recovery residences; requiring the department to
21 establish, by a specified date, a mechanism to impose
22 and collect fines for certain violations of law;
23 providing an effective date.

24
25 Be It Enacted by the Legislature of the State of Florida:

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27 Section 1. Paragraph (k) is added to subsection (1) of
28 section 397.403, Florida Statutes, to read:

29 397.403 License application.—

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30 (1) Applicants for a license under this chapter must apply
31 to the department on forms provided by the department and in
32 accordance with rules adopted by the department. Applications
33 must include at a minimum:

34 (k) Proof of a prohibition on the premises against alcohol,
35 marijuana, illegal drugs, and the use of prescribed medications
36 by an individual other than the individual for whom the
37 medication is prescribed.

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

40 397.410 Licensure requirements; minimum standards; rules.—

41 (1) The department shall establish minimum requirements for
42 licensure of each service component, as defined in s.
43 397.311(26), including, but not limited to:

44 (f) A prohibition on the premises against alcohol,
45 marijuana, illegal drugs, and the use of prescribed medications
46 by an individual other than the individual for whom the
47 medication is prescribed.

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

50 397.411 Inspection; right of entry; classification of
51 violations; records.—

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

55 Section 4. Paragraph (a) of subsection (3) of section
56 397.487, Florida Statutes, is amended, and subsection (12) is
57 added to that section, to read:

58 397.487 Voluntary certification of recovery residences.—

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59 (3) A credentialing entity shall require the recovery
60 residence to submit the following documents with the completed
61 application and fee:

62 (a) A policy and procedures manual containing:

63 1. Job descriptions for all staff positions.

64 2. Drug-testing procedures and requirements.

65 3. A prohibition on the premises against alcohol,
66 marijuana, illegal drugs, and the use of prescribed medications
67 by an individual other than the individual for whom the
68 medication is prescribed.

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

70 5. A good neighbor policy to address neighborhood concerns
71 and complaints.

72 (12) Any person discharged from a recovery residence under
73 subsection (11) who willfully refuses to depart after being
74 warned by the owner or an authorized employee of the recovery
75 residence commits the offense of trespass in a recovery
76 residence, a misdemeanor of the second degree, punishable as
77 provided in s. 775.082 or s. 775.083.

78 Section 5. Present subsections (3) through (7) of section
79 397.4873, Florida Statutes, are redesignated as subsections (4)
80 through (8), respectively, a new subsection (3) is added to that
81 section, and present subsections (3) and (6) of that section are
82 amended, to read:

83 397.4873 Referrals to or from recovery residences;
84 prohibitions; penalties.—

85 (3) Notwithstanding subsection (2), a service provider
86 licensed under this part may not make a referral of a
87 prospective, current, or discharged patient to, or accept a

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88 referral of such patient from, a recovery residence that allows
89 on its premises the use of alcohol, marijuana, or illegal drugs
90 or the use of prescribed medications by an individual other than
91 the individual for whom the medication is prescribed.

92 (4) (a) ~~(3)~~ For purposes of this section, a licensed service
93 provider or recovery residence shall be considered to have made
94 a referral if the provider or recovery residence has informed a
95 patient by any means about the name, address, or other details
96 of a recovery residence or licensed service provider, or
97 informed a licensed service provider or a recovery residence of
98 any identifying details about a patient.

99 (b) A referral shall also include the placement of a
100 patient by a licensed service provider into the housing
101 component of the provider's day or night treatment, which has a
102 community housing license, regardless of whether the community
103 housing component is affiliated with the licensed service
104 provider.

105 (7) ~~(6)~~ A licensed service provider that violates this
106 section is subject to an administrative fine of \$1,000 per
107 occurrence. If such fine is imposed by final order of the
108 department and is not subject to further appeal, the service
109 provider shall pay the fine plus interest at the rate specified
110 in s. 55.03 for each day beyond the date set by the department
111 for payment of the fine. If the service provider does not pay
112 the fine plus any applicable interest within 60 days after the
113 date set by the department, the department shall immediately
114 suspend the service provider's license. Repeat violations of
115 this section may subject a provider to license suspension or
116 revocation pursuant to s. 397.415. The department shall

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117 establish a mechanism no later than January 1, 2024, for the
118 imposition and collection of fines for violations under this
119 section.

120 Section 6. This act shall take effect July 1, 2023.