

By the Committee on Children, Families, and Elder Affairs; and
Senator Harrell

586-02085-23

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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 defining the term "marijuana"; amending s. 397.410,
6 F.S.; revising licensure requirements for substance
7 abuse providers; defining the term "marijuana";
8 amending s. 397.411, F.S.; requiring the Department of
9 Children and Families to establish, by a specified
10 date, a mechanism to impose and collect fines for
11 certain violations of law; amending s. 397.487, F.S.;
12 revising credentialing requirements for recovery
13 residences; defining the term "marijuana"; prohibiting
14 persons discharged from a recovery residence from
15 willfully refusing to depart after being warned by
16 specified persons; providing criminal penalties;
17 amending s. 397.4873, F.S.; prohibiting service
18 providers from referring patients to, or accepting
19 referrals from, specified recovery residences;
20 revising requirements regarding patient referrals for
21 substance abuse service providers and recovery
22 residences; defining the term "marijuana"; requiring
23 the department to establish, by a specified date, a
24 mechanism to impose and collect fines for certain
25 violations of law; providing an effective date.

26
27 Be It Enacted by the Legislature of the State of Florida:

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29 Section 1. Paragraph (k) is added to subsection (1) of

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30 section 397.403, Florida Statutes, to read:

31 397.403 License application.—

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

36 (k) Proof of a prohibition on the premises against alcohol,
37 marijuana, illegal drugs, and the use of prescribed medications
38 by an individual other than the individual for whom the
39 medication is prescribed. For the purposes of this paragraph,
40 “marijuana” includes marijuana that has been certified by a
41 qualified physician for medical use in accordance with s.
42 381.986.

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

45 397.410 Licensure requirements; minimum standards; rules.—

46 (1) The department shall establish minimum requirements for
47 licensure of each service component, as defined in s.
48 397.311(26), including, but not limited to:

49 (f) A prohibition on the premises against alcohol,
50 marijuana, illegal drugs, and the use of prescribed medications
51 by an individual other than the individual for whom the
52 medication is prescribed. For the purposes of this paragraph,
53 “marijuana” includes marijuana that has been certified by a
54 qualified physician for medical use in accordance with s.
55 381.986.

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

58 397.411 Inspection; right of entry; classification of

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59 violations; records.—

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

63 Section 4. Paragraph (a) of subsection (3) of section
64 397.487, Florida Statutes, is amended, and subsection (12) is
65 added to that section, to read:

66 397.487 Voluntary certification of recovery residences.—

67 (3) A credentialing entity shall require the recovery
68 residence to submit the following documents with the completed
69 application and fee:

70 (a) A policy and procedures manual containing:

- 71 1. Job descriptions for all staff positions.
- 72 2. Drug-testing procedures and requirements.
- 73 3. A prohibition on the premises against alcohol,
74 marijuana, illegal drugs, and the use of prescribed medications
75 by an individual other than the individual for whom the
76 medication is prescribed. For the purposes of this subsection,
77 "marijuana" includes marijuana that has been certified by a
78 qualified physician for medical use in accordance with s.
79 381.986.

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

81 5. A good neighbor policy to address neighborhood concerns
82 and complaints.

83 (12) Any person discharged from a recovery residence under
84 subsection (11) who willfully refuses to depart after being
85 warned by the owner or an authorized employee of the recovery
86 residence commits the offense of trespass in a recovery
87 residence, a misdemeanor of the second degree, punishable as

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88 provided in s. 775.082 or s. 775.083.

89 Section 5. Present subsections (3) through (7) of section
90 397.4873, Florida Statutes, are redesignated as subsections (4)
91 through (8), respectively, a new subsection (3) is added to that
92 section, and present subsections (3) and (6) of that section are
93 amended, to read:

94 397.4873 Referrals to or from recovery residences;
95 prohibitions; penalties.—

96 (3) Notwithstanding subsection (2), a service provider
97 licensed under this part may not make a referral of a
98 prospective, current, or discharged patient to, or accept a
99 referral of such patient from, a recovery residence that allows
100 on its premises the use of alcohol, marijuana, or illegal drugs
101 or the use of prescribed medications by an individual other than
102 the individual for whom the medication is prescribed. For the
103 purposes of this subsection, "marijuana" includes marijuana that
104 has been certified by a qualified physician for medical use in
105 accordance with s. 381.986.

106 (4) (a) ~~(3)~~ For purposes of this section, a licensed service
107 provider or recovery residence shall be considered to have made
108 a referral if the provider or recovery residence has informed a
109 patient by any means about the name, address, or other details
110 of a recovery residence or licensed service provider, or
111 informed a licensed service provider or a recovery residence of
112 any identifying details about a patient.

113 (b) A referral shall also include the placement of a
114 patient by a licensed service provider into the housing
115 component of the provider's day or night treatment, which has a
116 community housing license, regardless of whether the community

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117 housing component is affiliated with the licensed service
118 provider.

119 (7)~~(6)~~ A licensed service provider that violates this
120 section is subject to an administrative fine of \$1,000 per
121 occurrence. If such fine is imposed by final order of the
122 department and is not subject to further appeal, the service
123 provider shall pay the fine plus interest at the rate specified
124 in s. 55.03 for each day beyond the date set by the department
125 for payment of the fine. If the service provider does not pay
126 the fine plus any applicable interest within 60 days after the
127 date set by the department, the department shall immediately
128 suspend the service provider's license. Repeat violations of
129 this section may subject a provider to license suspension or
130 revocation pursuant to s. 397.415. The department shall
131 establish a mechanism no later than January 1, 2024, for the
132 imposition and collection of fines for violations under this
133 section.

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