

1 A bill to be entitled

2 An act relating to substance abuse service providers;  
3 amending ss. 397.403 and 397.410, F.S.; prohibiting  
4 the use of specified substances on certain premises;  
5 providing a definition for the term "medical  
6 marijuana"; amending s. 397.411, F.S.; requiring the  
7 Department of Children and Families to establish a  
8 mechanism for the imposition and collection of fines  
9 for certain violations; amending s. 397.487, F.S.;  
10 prohibiting the use of medical marijuana on certain  
11 premises; providing a definition for the term "medical  
12 marijuana"; providing penalties for trespass in a  
13 recovery residence; amending s. 397.4873, F.S.;  
14 prohibiting a service provider from referring patients  
15 to, or accepting referrals of patients from, certain  
16 recovery residences; providing a definition for the  
17 term "medical marijuana"; requiring a referral to  
18 include the placement of a patient into specified  
19 programs; requiring the department to establish a  
20 mechanism for the imposition and collection of fines  
21 for certain violations; providing an effective date.

22  
23 Be It Enacted by the Legislature of the State of Florida:  
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25 Section 1. Paragraph (k) is added to subsection (1) of

26 | section 397.403, Florida Statutes, to read:

27 |       397.403 License application.—

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

32 |       (k) A prohibition on the premises against illegal drugs,  
33 | alcohol, medical marijuana, and the use of prescribed  
34 | medications by an individual other than the individual for whom  
35 | the medication is prescribed. For purposes of this paragraph,  
36 | the term "medical marijuana" means marijuana that has been  
37 | certified by a qualified physician for medical use in accordance  
38 | with s. 381.986.

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

41 |       397.410 Licensure requirements; minimum standards; rules.—

42 |       (1) The department shall establish minimum requirements  
43 | for licensure of each service component, as defined in s.  
44 | 397.311(26), including, but not limited to:

45 |       (f) A prohibition on the premises against illegal drugs,  
46 | alcohol, medical marijuana, and the use of prescribed  
47 | medications by an individual other than the individual for whom  
48 | the medication is prescribed. For purposes of this paragraph,  
49 | the term "medial marijuana" means marijuana certified by a  
50 | qualified physician for medical use in accordance with s.

51 381.986.

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

54 397.411 Inspection; right of entry; classification of  
55 violations; records; penalties.—

56 (8) The department shall establish a mechanism for the  
57 imposition and collection of fines for violations of this  
58 section no later than January 1, 2024.

59 Section 4. Paragraph (a) of subsection (3) of section  
60 397.487, Florida Statutes, is amended, and subsection (12) is  
61 added to that section, to read:

62 397.487 Voluntary certification of recovery residences.—

63 (3) A credentialing entity shall require the recovery  
64 residence to submit the following documents with the completed  
65 application and fee:

66 (a) A policy and procedures manual containing:

67 1. Job descriptions for all staff positions.

68 2. Drug-testing procedures and requirements.

69 3. A prohibition on the premises against illegal drugs,  
70 alcohol, medical marijuana, ~~illegal drugs,~~ and the use of  
71 prescribed medications by an individual other than the  
72 individual for whom the medication is prescribed. For purposes  
73 of this subparagraph, the term "medical marijuana" means  
74 marijuana certified by a qualified physician for medical use in  
75 accordance with s. 381.986.

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

77 5. A good neighbor policy to address neighborhood concerns  
78 and complaints.

79 (12) Any person who is discharged from a recovery  
80 residence under subsection (11) who willfully refuses to depart  
81 after being warned by the owner or an authorized employee of the  
82 recovery residence commits the offense of trespass in a recovery  
83 residence, a misdemeanor of the second degree, punishable as  
84 provided in s. 775.082 or s. 775.083.

85 Section 5. Subsections (3) through (7) of section  
86 397.4873, Florida Statutes, are renumbered as subsections (4)  
87 through (8), respectively, present subsections (3) and (6) are  
88 amended, and a new subsection (3) is added to that section, to  
89 read:

90 397.4873 Referrals to or from recovery residences;  
91 prohibitions; penalties.—

92 (3) Notwithstanding subsection (2), a service provider  
93 licensed under this part may not make a referral of a  
94 prospective, current, or discharged patient to, or accept a  
95 referral of such patient from, a recovery residence that allows  
96 the use of illegal drugs, alcohol, or medical marijuana, or the  
97 use of prescribed medications by an individual other than the  
98 individual for whom the medication is prescribed, on the  
99 premises. For purposes of this subsection, the term "medical  
100 marijuana" means marijuana certified by a qualified physician

101 for medical use in accordance with s. 381.986.

102 ~~(4)(3)~~ For purposes of this section, a licensed service  
103 provider or recovery residence shall be considered to have made  
104 a referral if the provider or recovery residence has informed a  
105 patient by any means about the name, address, or other details  
106 of a recovery residence or licensed service provider, or  
107 informed a licensed service provider or a recovery residence of  
108 any identifying details about a patient. A referral must also  
109 include the placement of a patient by a licensed service  
110 provider into the community housing component of the provider's  
111 day or night treatment with community housing regardless of  
112 whether the community housing component is affiliated with the  
113 licensed service provider.

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

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126 | establish a mechanism for the imposition and collection of fines  
127 | for violations of this subsection no later than January 1, 2024.

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