

1                   A bill to be entitled  
2           An act relating to substance abuse treatment; amending  
3           s. 397.311, F.S.; providing the levels of care at  
4           certified recovery residences and their respective  
5           levels of care for residents; defining the term  
6           "community housing"; amending s. 397.335, F.S.;  
7           revising the membership of the Statewide Council on  
8           Opioid Abatement to include additional members;  
9           amending ss. 119.071, 381.0038, 394.4573, 394.9085,  
10          397.4012, 397.407, 397.410, 397.416, and 893.13, F.S.;  
11          conforming provisions to changes made by the act;  
12          providing an effective date.

13  
14   Be It Enacted by the Legislature of the State of Florida:

15  
16           Section 1. Subsections (9) through (50) of section  
17   397.311, Florida Statutes, are renumbered as subsections (10)  
18   through (51), respectively, subsection (5) and present  
19   subsection (43) are amended, and a new subsection (9) is added  
20   to that section, to read:

21           397.311 Definitions.—As used in this chapter, except part  
22   VIII, the term:

23           (5) "Certified recovery residence" means a recovery  
24   residence that holds a valid certificate of compliance and is  
25   actively managed by a certified recovery residence

26 administrator.

27 (a) Level I certified recovery residences that house  
28 individuals in recovery who are post-treatment, with a minimum  
29 of 9 months of sobriety. Level I certified homes are  
30 democratically run by the members who reside in the home.

31 (b) Level II certified recovery residences encompass the  
32 traditional perspectives of sober living homes. There is  
33 oversight from a house manager with lived experience, typically  
34 a senior resident. Residents are expected to follow rules  
35 outlined in a resident handbook, pay dues, if applicable, and  
36 work toward achieving milestones within a chosen recovery path.

37 (c) Level III certified recovery residences offer higher  
38 supervision by staff with formal training to ensure resident  
39 accountability. These homes offer peer-support services and are  
40 staffed 24 hours a day. Clinical services are not performed at  
41 the residence. The services offered may include, but are not  
42 limited to, life skill mentoring, recovery planning, and meal  
43 preparation. This support structure is most appropriate for  
44 residents who require a more structured environment during early  
45 recovery from addiction.

46 (d) A Level IV certified recovery residence are dwellings  
47 offered, referred to, or provided by, a licensed service  
48 provider to its patients who are required to reside at the  
49 residence while receiving intensive outpatient and higher levels  
50 of outpatient care. Level IV recovery residences are staffed 24

51 hours a day and combine outpatient licensable services with  
 52 recovery residential living. Residents are required to follow a  
 53 treatment plan, attend group and individual sessions, in  
 54 addition to developing a recovery plan within the social model  
 55 of recovery spectrum. No clinical services are provided at the  
 56 residence and all licensable services are provided off-site.

57 (9) "Community housing" means a certified recovery  
 58 residence offered, referred to, or provided by a licensed  
 59 service provider that provides housing to its patients who are  
 60 required to reside at the residence while receiving intensive  
 61 outpatient and higher levels of outpatient care. A certified  
 62 recovery residence used by a licensed service provider that  
 63 meets the definition of community housing shall be classified as  
 64 a Level IV level of support, as described in subsection (5).

65 (44)-(43) "Service component" or "component" means a  
 66 discrete operational entity within a service provider which is  
 67 subject to licensing as defined by rule. Service components  
 68 include prevention, intervention, and clinical treatment  
 69 described in subsection (27) ~~(26)~~.

70 Section 2. Paragraph (a) of subsection (2) of section  
 71 397.335, Florida Statutes, is amended to read:

72 397.335 Statewide Council on Opioid Abatement.—

73 (2) MEMBERSHIP.—

74 (a) Notwithstanding s. 20.052, the council shall be  
 75 composed of the following members:

- 76           1. The Attorney General, or his or her designee, who shall  
 77      serve as chair.
- 78           2. The secretary of the department, or his or her  
 79      designee, who shall serve as vice chair.
- 80           3. One member appointed by the Governor.
- 81           4. One member appointed by the President of the Senate.
- 82           5. One member appointed by the Speaker of the House of  
 83      Representatives.
- 84           6. Two members appointed by the Florida League of Cities  
 85      who are commissioners or mayors of municipalities. One member  
 86      shall be from a municipality with a population of fewer than  
 87      50,000 people.
- 88           7. Two members appointed by or through the Florida  
 89      Association of Counties who are county commissioners or mayors.  
 90      One member shall be appointed from a county with a population of  
 91      fewer than 200,000, and one member shall be appointed from a  
 92      county with a population of more than 200,000.
- 93           8. One member who is either a county commissioner or  
 94      county mayor appointed by the Florida Association of Counties or  
 95      who is a commissioner or mayor of a municipality appointed by  
 96      the Florida League of Cities. The Florida Association of  
 97      Counties shall appoint such member for the initial term, and  
 98      future appointments must alternate between a member appointed by  
 99      the Florida League of Cities and a member appointed by the  
 100     Florida Association of Counties.

101        9. Two members appointed by or through the State Surgeon  
 102 General. One shall be a staff member from the department who has  
 103 experience coordinating state and local efforts to abate the  
 104 opioid epidemic, and one shall be a licensed physician who is  
 105 board certified in both addiction medicine and psychiatry.

106        10. One member appointed by the Florida Association of  
 107 Recovery Residences.

108        11. One member appointed by the Florida Association of EMS  
 109 Medical Directors.

110        12. One member appointed by the Florida Society of  
 111 Addiction Medicine who is a medical doctor board certified in  
 112 addiction medicine.

113        13. One member appointed by the Florida Behavioral Health  
 114 Association.

115        14. One member appointed by Floridians for Recovery.

116        15. One member appointed by the Florida Certification  
 117 Board.

118        16. One member appointed by the Florida Association of  
 119 Managing Entities.

120        Section 3. Paragraph (d) of subsection (4) of section  
 121 119.071, Florida Statutes, is amended to read:

122        119.071 General exemptions from inspection or copying of  
 123 public records.—

124        (4) AGENCY PERSONNEL INFORMATION.—

125        (d)1. For purposes of this paragraph, the term:

126 a. "Home addresses" means the dwelling location at which  
 127 an individual resides and includes the physical address, mailing  
 128 address, street address, parcel identification number, plot  
 129 identification number, legal property description, neighborhood  
 130 name and lot number, GPS coordinates, and any other descriptive  
 131 property information that may reveal the home address.

132 b. "Judicial assistant" means a court employee assigned to  
 133 the following class codes: 8140, 8150, 8310, and 8320.

134 c. "Telephone numbers" includes home telephone numbers,  
 135 personal cellular telephone numbers, personal pager telephone  
 136 numbers, and telephone numbers associated with personal  
 137 communications devices.

138 2.a. The home addresses, telephone numbers, dates of  
 139 birth, and photographs of active or former sworn law enforcement  
 140 personnel or of active or former civilian personnel employed by  
 141 a law enforcement agency, including correctional and  
 142 correctional probation officers, personnel of the Department of  
 143 Children and Families whose duties include the investigation of  
 144 abuse, neglect, exploitation, fraud, theft, or other criminal  
 145 activities, personnel of the Department of Health whose duties  
 146 are to support the investigation of child abuse or neglect, and  
 147 personnel of the Department of Revenue or local governments  
 148 whose responsibilities include revenue collection and  
 149 enforcement or child support enforcement; the names, home  
 150 addresses, telephone numbers, photographs, dates of birth, and

151 places of employment of the spouses and children of such  
152 personnel; and the names and locations of schools and day care  
153 facilities attended by the children of such personnel are exempt  
154 from s. 119.07(1) and s. 24(a), Art. I of the State  
155 Constitution.

156       b. The home addresses, telephone numbers, dates of birth,  
157 and photographs of current or former nonsworn investigative  
158 personnel of the Department of Financial Services whose duties  
159 include the investigation of fraud, theft, workers' compensation  
160 coverage requirements and compliance, other related criminal  
161 activities, or state regulatory requirement violations; the  
162 names, home addresses, telephone numbers, dates of birth, and  
163 places of employment of the spouses and children of such  
164 personnel; and the names and locations of schools and day care  
165 facilities attended by the children of such personnel are exempt  
166 from s. 119.07(1) and s. 24(a), Art. I of the State  
167 Constitution.

168       c. The home addresses, telephone numbers, dates of birth,  
169 and photographs of current or former nonsworn investigative  
170 personnel of the Office of Financial Regulation's Bureau of  
171 Financial Investigations whose duties include the investigation  
172 of fraud, theft, other related criminal activities, or state  
173 regulatory requirement violations; the names, home addresses,  
174 telephone numbers, dates of birth, and places of employment of  
175 the spouses and children of such personnel; and the names and

176 | locations of schools and day care facilities attended by the  
177 | children of such personnel are exempt from s. 119.07(1) and s.  
178 | 24(a), Art. I of the State Constitution.

179 |       d. The home addresses, telephone numbers, dates of birth,  
180 | and photographs of current or former firefighters certified in  
181 | compliance with s. 633.408; the names, home addresses, telephone  
182 | numbers, photographs, dates of birth, and places of employment  
183 | of the spouses and children of such firefighters; and the names  
184 | and locations of schools and day care facilities attended by the  
185 | children of such firefighters are exempt from s. 119.07(1) and  
186 | s. 24(a), Art. I of the State Constitution.

187 |       e. The home addresses, dates of birth, and telephone  
188 | numbers of current or former justices of the Supreme Court,  
189 | district court of appeal judges, circuit court judges, and  
190 | county court judges, and of current judicial assistants; the  
191 | names, home addresses, telephone numbers, dates of birth, and  
192 | places of employment of the spouses and children of current or  
193 | former justices and judges and of current judicial assistants;  
194 | and the names and locations of schools and day care facilities  
195 | attended by the children of current or former justices and  
196 | judges and of current judicial assistants are exempt from s.  
197 | 119.07(1) and s. 24(a), Art. I of the State Constitution. This  
198 | sub-subparagraph is subject to the Open Government Sunset Review  
199 | Act in accordance with s. 119.15 and shall stand repealed on  
200 | October 2, 2028, unless reviewed and saved from repeal through



201 reenactment by the Legislature.

202 f. The home addresses, telephone numbers, dates of birth,  
203 and photographs of current or former state attorneys, assistant  
204 state attorneys, statewide prosecutors, or assistant statewide  
205 prosecutors; the names, home addresses, telephone numbers,  
206 photographs, dates of birth, and places of employment of the  
207 spouses and children of current or former state attorneys,  
208 assistant state attorneys, statewide prosecutors, or assistant  
209 statewide prosecutors; and the names and locations of schools  
210 and day care facilities attended by the children of current or  
211 former state attorneys, assistant state attorneys, statewide  
212 prosecutors, or assistant statewide prosecutors are exempt from  
213 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

214 g. The home addresses, dates of birth, and telephone  
215 numbers of general magistrates, special magistrates, judges of  
216 compensation claims, administrative law judges of the Division  
217 of Administrative Hearings, and child support enforcement  
218 hearing officers; the names, home addresses, telephone numbers,  
219 dates of birth, and places of employment of the spouses and  
220 children of general magistrates, special magistrates, judges of  
221 compensation claims, administrative law judges of the Division  
222 of Administrative Hearings, and child support enforcement  
223 hearing officers; and the names and locations of schools and day  
224 care facilities attended by the children of general magistrates,  
225 special magistrates, judges of compensation claims,

226 administrative law judges of the Division of Administrative  
227 Hearings, and child support enforcement hearing officers are  
228 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
229 Constitution.

230 h. The home addresses, telephone numbers, dates of birth,  
231 and photographs of current or former human resource, labor  
232 relations, or employee relations directors, assistant directors,  
233 managers, or assistant managers of any local government agency  
234 or water management district whose duties include hiring and  
235 firing employees, labor contract negotiation, administration, or  
236 other personnel-related duties; the names, home addresses,  
237 telephone numbers, dates of birth, and places of employment of  
238 the spouses and children of such personnel; and the names and  
239 locations of schools and day care facilities attended by the  
240 children of such personnel are exempt from s. 119.07(1) and s.  
241 24(a), Art. I of the State Constitution.

242 i. The home addresses, telephone numbers, dates of birth,  
243 and photographs of current or former code enforcement officers;  
244 the names, home addresses, telephone numbers, dates of birth,  
245 and places of employment of the spouses and children of such  
246 personnel; and the names and locations of schools and day care  
247 facilities attended by the children of such personnel are exempt  
248 from s. 119.07(1) and s. 24(a), Art. I of the State  
249 Constitution.

250 j. The home addresses, telephone numbers, places of

251 employment, dates of birth, and photographs of current or former  
252 guardians ad litem, as defined in s. 39.820; the names, home  
253 addresses, telephone numbers, dates of birth, and places of  
254 employment of the spouses and children of such persons; and the  
255 names and locations of schools and day care facilities attended  
256 by the children of such persons are exempt from s. 119.07(1) and  
257 s. 24(a), Art. I of the State Constitution.

258 k. The home addresses, telephone numbers, dates of birth,  
259 and photographs of current or former juvenile probation  
260 officers, juvenile probation supervisors, detention  
261 superintendents, assistant detention superintendents, juvenile  
262 justice detention officers I and II, juvenile justice detention  
263 officer supervisors, juvenile justice residential officers,  
264 juvenile justice residential officer supervisors I and II,  
265 juvenile justice counselors, juvenile justice counselor  
266 supervisors, human services counselor administrators, senior  
267 human services counselor administrators, rehabilitation  
268 therapists, and social services counselors of the Department of  
269 Juvenile Justice; the names, home addresses, telephone numbers,  
270 dates of birth, and places of employment of spouses and children  
271 of such personnel; and the names and locations of schools and  
272 day care facilities attended by the children of such personnel  
273 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
274 Constitution.

275 l. The home addresses, telephone numbers, dates of birth,

276 and photographs of current or former public defenders, assistant  
277 public defenders, criminal conflict and civil regional counsel,  
278 and assistant criminal conflict and civil regional counsel; the  
279 names, home addresses, telephone numbers, dates of birth, and  
280 places of employment of the spouses and children of current or  
281 former public defenders, assistant public defenders, criminal  
282 conflict and civil regional counsel, and assistant criminal  
283 conflict and civil regional counsel; and the names and locations  
284 of schools and day care facilities attended by the children of  
285 current or former public defenders, assistant public defenders,  
286 criminal conflict and civil regional counsel, and assistant  
287 criminal conflict and civil regional counsel are exempt from s.  
288 119.07(1) and s. 24(a), Art. I of the State Constitution.

289 m. The home addresses, telephone numbers, dates of birth,  
290 and photographs of current or former investigators or inspectors  
291 of the Department of Business and Professional Regulation; the  
292 names, home addresses, telephone numbers, dates of birth, and  
293 places of employment of the spouses and children of such current  
294 or former investigators and inspectors; and the names and  
295 locations of schools and day care facilities attended by the  
296 children of such current or former investigators and inspectors  
297 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
298 Constitution.

299 n. The home addresses, telephone numbers, and dates of  
300 birth of county tax collectors; the names, home addresses,

301 telephone numbers, dates of birth, and places of employment of  
 302 the spouses and children of such tax collectors; and the names  
 303 and locations of schools and day care facilities attended by the  
 304 children of such tax collectors are exempt from s. 119.07(1) and  
 305 s. 24(a), Art. I of the State Constitution.

306 o. The home addresses, telephone numbers, dates of birth,  
 307 and photographs of current or former personnel of the Department  
 308 of Health whose duties include, or result in, the determination  
 309 or adjudication of eligibility for social security disability  
 310 benefits, the investigation or prosecution of complaints filed  
 311 against health care practitioners, or the inspection of health  
 312 care practitioners or health care facilities licensed by the  
 313 Department of Health; the names, home addresses, telephone  
 314 numbers, dates of birth, and places of employment of the spouses  
 315 and children of such personnel; and the names and locations of  
 316 schools and day care facilities attended by the children of such  
 317 personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of  
 318 the State Constitution.

319 p. The home addresses, telephone numbers, dates of birth,  
 320 and photographs of current or former impaired practitioner  
 321 consultants who are retained by an agency or current or former  
 322 employees of an impaired practitioner consultant whose duties  
 323 result in a determination of a person's skill and safety to  
 324 practice a licensed profession; the names, home addresses,  
 325 telephone numbers, dates of birth, and places of employment of

326 | the spouses and children of such consultants or their employees;  
 327 | and the names and locations of schools and day care facilities  
 328 | attended by the children of such consultants or employees are  
 329 | exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
 330 | Constitution.

331 |       q. The home addresses, telephone numbers, dates of birth,  
 332 | and photographs of current or former emergency medical  
 333 | technicians or paramedics certified under chapter 401; the  
 334 | names, home addresses, telephone numbers, dates of birth, and  
 335 | places of employment of the spouses and children of such  
 336 | emergency medical technicians or paramedics; and the names and  
 337 | locations of schools and day care facilities attended by the  
 338 | children of such emergency medical technicians or paramedics are  
 339 | exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
 340 | Constitution.

341 |       r. The home addresses, telephone numbers, dates of birth,  
 342 | and photographs of current or former personnel employed in an  
 343 | agency's office of inspector general or internal audit  
 344 | department whose duties include auditing or investigating waste,  
 345 | fraud, abuse, theft, exploitation, or other activities that  
 346 | could lead to criminal prosecution or administrative discipline;  
 347 | the names, home addresses, telephone numbers, dates of birth,  
 348 | and places of employment of spouses and children of such  
 349 | personnel; and the names and locations of schools and day care  
 350 | facilities attended by the children of such personnel are exempt

351 from s. 119.07(1) and s. 24(a), Art. I of the State  
352 Constitution.

353 s. The home addresses, telephone numbers, dates of birth,  
354 and photographs of current or former directors, managers,  
355 supervisors, nurses, and clinical employees of an addiction  
356 treatment facility; the home addresses, telephone numbers,  
357 photographs, dates of birth, and places of employment of the  
358 spouses and children of such personnel; and the names and  
359 locations of schools and day care facilities attended by the  
360 children of such personnel are exempt from s. 119.07(1) and s.  
361 24(a), Art. I of the State Constitution. For purposes of this  
362 sub-subparagraph, the term "addiction treatment facility" means  
363 a county government, or agency thereof, that is licensed  
364 pursuant to s. 397.401 and provides substance abuse prevention,  
365 intervention, or clinical treatment, including any licensed  
366 service component described in s. 397.311(27) ~~s. 397.311(26)~~.

367 t. The home addresses, telephone numbers, dates of birth,  
368 and photographs of current or former directors, managers,  
369 supervisors, and clinical employees of a child advocacy center  
370 that meets the standards of s. 39.3035(2) and fulfills the  
371 screening requirement of s. 39.3035(3), and the members of a  
372 Child Protection Team as described in s. 39.303 whose duties  
373 include supporting the investigation of child abuse or sexual  
374 abuse, child abandonment, child neglect, and child exploitation  
375 or to provide services as part of a multidisciplinary case

376 review team; the names, home addresses, telephone numbers,  
377 photographs, dates of birth, and places of employment of the  
378 spouses and children of such personnel and members; and the  
379 names and locations of schools and day care facilities attended  
380 by the children of such personnel and members are exempt from s.  
381 119.07(1) and s. 24(a), Art. I of the State Constitution.

382 u. The home addresses, telephone numbers, places of  
383 employment, dates of birth, and photographs of current or former  
384 staff and domestic violence advocates, as defined in s.  
385 90.5036(1)(b), of domestic violence centers certified by the  
386 Department of Children and Families under chapter 39; the names,  
387 home addresses, telephone numbers, places of employment, dates  
388 of birth, and photographs of the spouses and children of such  
389 personnel; and the names and locations of schools and day care  
390 facilities attended by the children of such personnel are exempt  
391 from s. 119.07(1) and s. 24(a), Art. I of the State  
392 Constitution.

393 v. The home addresses, telephone numbers, dates of birth,  
394 and photographs of current or former inspectors or investigators  
395 of the Department of Agriculture and Consumer Services; the  
396 names, home addresses, telephone numbers, dates of birth, and  
397 places of employment of the spouses and children of current or  
398 former inspectors or investigators; and the names and locations  
399 of schools and day care facilities attended by the children of  
400 current or former inspectors or investigators are exempt from s.



401 119.07(1) and s. 24(a), Art. I of the State Constitution. This  
 402 sub-subparagraph is subject to the Open Government Sunset Review  
 403 Act in accordance with s. 119.15 and shall stand repealed on  
 404 October 2, 2028, unless reviewed and saved from repeal through  
 405 reenactment by the Legislature.

406 3. An agency that is the custodian of the information  
 407 specified in subparagraph 2. and that is not the employer of the  
 408 officer, employee, justice, judge, or other person specified in  
 409 subparagraph 2. must maintain the exempt status of that  
 410 information only if the officer, employee, justice, judge, other  
 411 person, or employing agency of the designated employee submits a  
 412 written and notarized request for maintenance of the exemption  
 413 to the custodial agency. The request must state under oath the  
 414 statutory basis for the individual's exemption request and  
 415 confirm the individual's status as a party eligible for exempt  
 416 status.

417 4.a. A county property appraiser, as defined in s.  
 418 192.001(3), or a county tax collector, as defined in s.  
 419 192.001(4), who receives a written and notarized request for  
 420 maintenance of the exemption pursuant to subparagraph 3. must  
 421 comply by removing the name of the individual with exempt status  
 422 and the instrument number or Official Records book and page  
 423 number identifying the property with the exempt status from all  
 424 publicly available records maintained by the property appraiser  
 425 or tax collector. For written requests received on or before

426 July 1, 2021, a county property appraiser or county tax  
427 collector must comply with this sub-subparagraph by October 1,  
428 2021. A county property appraiser or county tax collector may  
429 not remove the street address, legal description, or other  
430 information identifying real property within the agency's  
431 records so long as a name or personal information otherwise  
432 exempt from inspection and copying pursuant to this section is  
433 not associated with the property or otherwise displayed in the  
434 public records of the agency.

435 b. Any information restricted from public display,  
436 inspection, or copying under sub-subparagraph a. must be  
437 provided to the individual whose information was removed.

438 5. An officer, an employee, a justice, a judge, or other  
439 person specified in subparagraph 2. may submit a written request  
440 for the release of his or her exempt information to the  
441 custodial agency. The written request must be notarized and must  
442 specify the information to be released and the party authorized  
443 to receive the information. Upon receipt of the written request,  
444 the custodial agency must release the specified information to  
445 the party authorized to receive such information.

446 6. The exemptions in this paragraph apply to information  
447 held by an agency before, on, or after the effective date of the  
448 exemption.

449 7. Information made exempt under this paragraph may be  
450 disclosed pursuant to s. 28.2221 to a title insurer authorized

451 pursuant to s. 624.401 and its affiliates as defined in s.  
452 624.10; a title insurance agent or title insurance agency as  
453 defined in s. 626.841(1) or (2), respectively; or an attorney  
454 duly admitted to practice law in this state and in good standing  
455 with The Florida Bar.

456 8. The exempt status of a home address contained in the  
457 Official Records is maintained only during the period when a  
458 protected party resides at the dwelling location. Upon  
459 conveyance of real property after October 1, 2021, and when such  
460 real property no longer constitutes a protected party's home  
461 address as defined in sub-subparagraph 1.a., the protected party  
462 must submit a written request to release the removed information  
463 to the county recorder. The written request to release the  
464 removed information must be notarized, must confirm that a  
465 protected party's request for release is pursuant to a  
466 conveyance of his or her dwelling location, and must specify the  
467 Official Records book and page, instrument number, or clerk's  
468 file number for each document containing the information to be  
469 released.

470 9. Upon the death of a protected party as verified by a  
471 certified copy of a death certificate or court order, any party  
472 can request the county recorder to release a protected  
473 decedent's removed information unless there is a related request  
474 on file with the county recorder for continued removal of the  
475 decedent's information or unless such removal is otherwise

476 prohibited by statute or by court order. The written request to  
 477 release the removed information upon the death of a protected  
 478 party must attach the certified copy of a death certificate or  
 479 court order and must be notarized, must confirm the request for  
 480 release is due to the death of a protected party, and must  
 481 specify the Official Records book and page number, instrument  
 482 number, or clerk's file number for each document containing the  
 483 information to be released. A fee may not be charged for the  
 484 release of any document pursuant to such request.

485 10. Except as otherwise expressly provided in this  
 486 paragraph, this paragraph is subject to the Open Government  
 487 Sunset Review Act in accordance with s. 119.15 and shall stand  
 488 repealed on October 2, 2024, unless reviewed and saved from  
 489 repeal through reenactment by the Legislature.

490 Section 4. Paragraph (a) of subsection (4) of section  
 491 381.0038, Florida Statutes, is amended to read:

492 381.0038 Education; sterile needle and syringe exchange  
 493 programs.—The Department of Health shall establish a program to  
 494 educate the public about the threat of acquired immune  
 495 deficiency syndrome.

496 (4) A county commission may authorize a sterile needle and  
 497 syringe exchange program to operate within its county  
 498 boundaries. The program may operate at one or more fixed  
 499 locations or through mobile health units. The program shall  
 500 offer the free exchange of clean, unused needles and hypodermic

501 syringes for used needles and hypodermic syringes as a means to  
 502 prevent the transmission of HIV, AIDS, viral hepatitis, or other  
 503 blood-borne diseases among intravenous drug users and their  
 504 sexual partners and offspring. Prevention of disease  
 505 transmission must be the goal of the program. For the purposes  
 506 of this subsection, the term "exchange program" means a sterile  
 507 needle and syringe exchange program established by a county  
 508 commission under this subsection. A sterile needle and syringe  
 509 exchange program may not operate unless it is authorized and  
 510 approved by a county commission in accordance with this  
 511 subsection.

512 (a) Before an exchange program may be established, a  
 513 county commission must:

514 1. Authorize the program under the provisions of a county  
 515 ordinance;

516 2. Enter into a letter of agreement with the department in  
 517 which the county commission agrees that any exchange program  
 518 authorized by the county commission will operate in accordance  
 519 with this subsection;

520 3. Enlist the local county health department to provide  
 521 ongoing advice, consultation, and recommendations for the  
 522 operation of the program;

523 4. Contract with one of the following entities to operate  
 524 the program:

525 a. A hospital licensed under chapter 395.

526           b. A health care clinic licensed under part X of chapter  
527 400.

528           c. A medical school in this state accredited by the  
529 Liaison Committee on Medical Education or the Commission on  
530 Osteopathic College Accreditation.

531           d. A licensed addictions receiving facility as defined in  
532 s. 397.311(27)(a)1. ~~s. 397.311(26)(a)1.~~

533           e. A s. 501(c)(3) HIV/AIDS service organization.

534           Section 5. Paragraph (e) of subsection (2) of section  
535 394.4573, Florida Statutes, is amended to read:

536           394.4573 Coordinated system of care; annual assessment;  
537 essential elements; measures of performance; system improvement  
538 grants; reports.—On or before December 1 of each year, the  
539 department shall submit to the Governor, the President of the  
540 Senate, and the Speaker of the House of Representatives an  
541 assessment of the behavioral health services in this state. The  
542 assessment shall consider, at a minimum, the extent to which  
543 designated receiving systems function as no-wrong-door models,  
544 the availability of treatment and recovery services that use  
545 recovery-oriented and peer-involved approaches, the availability  
546 of less-restrictive services, and the use of evidence-informed  
547 practices. The assessment shall also consider the availability  
548 of and access to coordinated specialty care programs and  
549 identify any gaps in the availability of and access to such  
550 programs in the state. The department's assessment shall

551 consider, at a minimum, the needs assessments conducted by the  
552 managing entities pursuant to s. 394.9082(5). The department  
553 shall compile and include in the report all plans submitted by  
554 managing entities pursuant to s. 394.9082(8) and the  
555 department's evaluation of each plan.

556 (2) The essential elements of a coordinated system of care  
557 include:

558 (e) Case management. Each case manager or person directly  
559 supervising a case manager who provides Medicaid-funded targeted  
560 case management services shall hold a valid certification from a  
561 department-approved credentialing entity as defined in s.  
562 397.311(11) ~~s. 397.311(10)~~ by July 1, 2017, and, thereafter,  
563 within 6 months after hire.

564 Section 6. Subsection (6) of section 394.9085, Florida  
565 Statutes, is amended to read:

566 394.9085 Behavioral provider liability.—

567 (6) For purposes of this section, the terms  
568 "detoxification ~~services,~~" "addictions receiving facility," and  
569 "receiving facility" have the same meanings as those provided in  
570 ss. 397.311(27)(a)4., 397.311(27)(a)1. ~~ss. 397.311(26)(a)3.,~~  
571 ~~397.311(26)(a)1.,~~ and 394.455(40), respectively.

572 Section 7. Subsection (8) of section 397.4012, Florida  
573 Statutes, is amended to read:

574 397.4012 Exemptions from licensure.—The following are  
575 exempt from the licensing provisions of this chapter:

576 (8) A legally cognizable church or nonprofit religious  
577 organization or denomination providing substance abuse services,  
578 including prevention services, which are solely religious,  
579 spiritual, or ecclesiastical in nature. A church or nonprofit  
580 religious organization or denomination providing any of the  
581 licensed service components itemized under s. 397.311(27) ~~s.~~  
582 ~~397.311(26)~~ is not exempt from substance abuse licensure but  
583 retains its exemption with respect to all services which are  
584 solely religious, spiritual, or ecclesiastical in nature.

585

586 The exemptions from licensure in subsections (3), (4), (8), (9),  
587 and (10) do not apply to any service provider that receives an  
588 appropriation, grant, or contract from the state to operate as a  
589 service provider as defined in this chapter or to any substance  
590 abuse program regulated under s. 397.4014. Furthermore, this  
591 chapter may not be construed to limit the practice of a  
592 physician or physician assistant licensed under chapter 458 or  
593 chapter 459, a psychologist licensed under chapter 490, a  
594 psychotherapist licensed under chapter 491, or an advanced  
595 practice registered nurse licensed under part I of chapter 464,  
596 who provides substance abuse treatment, so long as the  
597 physician, physician assistant, psychologist, psychotherapist,  
598 or advanced practice registered nurse does not represent to the  
599 public that he or she is a licensed service provider and does  
600 not provide services to individuals under part V of this



601 chapter. Failure to comply with any requirement necessary to  
602 maintain an exempt status under this section is a misdemeanor of  
603 the first degree, punishable as provided in s. 775.082 or s.  
604 775.083.

605 Section 8. Subsections (1) and (6) of section 397.407,  
606 Florida Statutes, are amended to read:

607 397.407 Licensure process; fees.—

608 (1) The department shall establish the licensure process  
609 to include fees and categories of licenses and must prescribe a  
610 fee range that is based, at least in part, on the number and  
611 complexity of programs listed in s. 397.311(27) ~~s. 397.311(26)~~  
612 which are operated by a licensee. The fees from the licensure of  
613 service components are sufficient to cover the costs of  
614 regulating the service components. The department shall specify  
615 a fee range for public and privately funded licensed service  
616 providers. Fees for privately funded licensed service providers  
617 must exceed the fees for publicly funded licensed service  
618 providers.

619 (6) The department may issue probationary, regular, and  
620 interim licenses. The department shall issue one license for  
621 each service component that is operated by a service provider  
622 and defined pursuant to s. 397.311(27) ~~s. 397.311(26)~~. The  
623 license is valid only for the specific service components listed  
624 for each specific location identified on the license. The  
625 licensed service provider shall apply for a new license at least

626 60 days before the addition of any service components or 30 days  
 627 before the relocation of any of its service sites. Provision of  
 628 service components or delivery of services at a location not  
 629 identified on the license may be considered an unlicensed  
 630 operation that authorizes the department to seek an injunction  
 631 against operation as provided in s. 397.401, in addition to  
 632 other sanctions authorized by s. 397.415. Probationary and  
 633 regular licenses may be issued only after all required  
 634 information has been submitted. A license may not be  
 635 transferred. As used in this subsection, the term "transfer"  
 636 includes, but is not limited to, the transfer of a majority of  
 637 the ownership interest in the licensed entity or transfer of  
 638 responsibilities under the license to another entity by  
 639 contractual arrangement.

640 Section 9. Subsection (1) of section 397.410, Florida  
 641 Statutes, is amended to read:

642 397.410 Licensure requirements; minimum standards; rules.—

643 (1) The department shall establish minimum requirements  
 644 for licensure of each service component, as defined in s.  
 645 397.311(27) ~~s. 397.311(26)~~, including, but not limited to:

646 (a) Standards and procedures for the administrative  
 647 management of the licensed service component, including  
 648 procedures for recordkeeping, referrals, and financial  
 649 management.

650 (b) Standards consistent with clinical and treatment best

651 practices that ensure the provision of quality treatment for  
652 individuals receiving substance abuse treatment services.

653 (c) The number and qualifications of all personnel,  
654 including, but not limited to, management, nursing, and  
655 qualified professionals, having responsibility for any part of  
656 an individual's clinical treatment. These requirements must  
657 include, but are not limited to:

658 1. Education; credentials, such as licensure or  
659 certification, if appropriate; training; and supervision of  
660 personnel providing direct clinical treatment.

661 2. Minimum staffing ratios to provide adequate safety,  
662 care, and treatment.

663 3. Hours of staff coverage.

664 4. The maximum number of individuals who may receive  
665 clinical services together in a group setting.

666 5. The maximum number of licensed service providers for  
667 which a physician may serve as medical director and the total  
668 number of individuals he or she may treat in that capacity.

669 (d) Service provider facility standards, including, but  
670 not limited to:

671 1. Safety and adequacy of the facility and grounds.

672 2. Space, furnishings, and equipment for each individual  
673 served.

674 3. Infection control, housekeeping, sanitation, and  
675 facility maintenance.

676 4. Meals and snacks.  
 677 (e) Disaster planning policies and procedures.  
 678 (f) A prohibition on the premises against alcohol,  
 679 marijuana, illegal drugs, and the use of prescribed medications  
 680 by an individual other than the individual for whom the  
 681 medication is prescribed. For the purposes of this paragraph,  
 682 "marijuana" includes marijuana that has been certified by a  
 683 qualified physician for medical use in accordance with s.  
 684 381.986.

685 Section 10. Section 397.416, Florida Statutes, is amended  
 686 to read:

687 397.416 Substance abuse treatment services; qualified  
 688 professional.—Notwithstanding any other provision of law, a  
 689 person who was certified through a certification process  
 690 recognized by the former Department of Health and Rehabilitative  
 691 Services before January 1, 1995, may perform the duties of a  
 692 qualified professional with respect to substance abuse treatment  
 693 services as defined in this chapter, and need not meet the  
 694 certification requirements contained in s. 397.311(36) ~~s.~~  
 695 ~~397.311(35)~~.

696 Section 11. Paragraph (h) of subsection (1) of section  
 697 893.13, Florida Statutes, is amended to read:

698 893.13 Prohibited acts; penalties.—

699 (1)

700 (h) Except as authorized by this chapter, a person may not

701 sell, manufacture, or deliver, or possess with intent to sell,  
 702 manufacture, or deliver, a controlled substance in, on, or  
 703 within 1,000 feet of the real property comprising a mental  
 704 health facility, as that term is used in chapter 394; a health  
 705 care facility licensed under chapter 395 which provides  
 706 substance abuse treatment; a licensed service provider as  
 707 defined in s. 397.311; a facility providing services that  
 708 include clinical treatment, intervention, or prevention as  
 709 described in s. 397.311(27) ~~s. 397.311(26)~~; a recovery residence  
 710 as defined in s. 397.311; an assisted living facility as defined  
 711 in chapter 429; or a pain management clinic as defined in s.  
 712 458.3265(1)(a)1.c. or s. 459.0137(1)(a)1.c. A person who  
 713 violates this paragraph with respect to:

714 1. A controlled substance named or described in s.  
 715 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.  
 716 commits a felony of the first degree, punishable as provided in  
 717 s. 775.082, s. 775.083, or s. 775.084.

718 2. A controlled substance named or described in s.  
 719 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7.,  
 720 (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a felony of  
 721 the second degree, punishable as provided in s. 775.082, s.  
 722 775.083, or s. 775.084.

723 3. Any other controlled substance, except as lawfully  
 724 sold, manufactured, or delivered, must be sentenced to pay a  
 725 \$500 fine and to serve 100 hours of public service in addition

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726 | to any other penalty prescribed by law.

727 |       Section 12. This act shall take effect July 1, 2024.