

By Senator Harrell

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1 A bill to be entitled
2 An act relating to substance abuse treatment; amending
3 s. 212.02, F.S.; eliminating certain tax liabilities
4 imposed on certified recovery residences; amending s.
5 397.311, F.S.; providing the levels of care at
6 certified recovery residences and their respective
7 levels of care for residents; defining the term
8 "community housing"; amending s. 397.321, F.S.;
9 requiring the Department of Children and Families to
10 display and make available on its website certain
11 information pertaining to service providers and
12 recovery residences by a specified date; requiring the
13 department to display on its website certain documents
14 pertaining to service providers; amending s. 397.335,
15 F.S.; revising the membership of the Statewide Council
16 on Opioid Abatement to include additional members;
17 amending s. 397.487, F.S.; extending the deadline for
18 certified recovery residences to retain a replacement
19 for a certified recovery residence administrator who
20 has been removed from his or her position; requiring
21 certified recovery residences to remove certain
22 individuals from their positions if they are arrested
23 and awaiting disposition for, are found guilty of, or
24 enter a plea of guilty or nolo contendere to certain
25 offenses, regardless if adjudication is withheld;
26 requiring the certified recovery residence to retain a
27 certified recovery residence administrator if the
28 previous certified recovery residence administrator
29 has been removed due to any reason; conforming

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30 provisions to changes made by the act; prohibiting
31 certified recovery residences, on or after a specified
32 date, from denying an individual access to housing
33 solely for being prescribed federally approved
34 medications from licensed health care professionals;
35 prohibiting local laws, ordinances, or regulations
36 adopted on or after a specified date from regulating
37 the duration or frequency of a resident's stay in a
38 certified recovery residence in certain zoning
39 districts; providing applicability; amending s.
40 397.4871, F.S.; conforming provisions to changes made
41 by the act; authorizing certain Level IV certified
42 recovery residences owned or controlled by a licensed
43 service provider and managed by a certified recovery
44 residence administrator approved for a specified
45 number of residents to manage a specified greater
46 number of residents, provided that certain criteria
47 are met; prohibiting a certified recovery residence
48 administrator who has been removed by a certified
49 recovery residence from taking on certain other
50 management positions without approval from a
51 credentialing entity; providing an effective date.

52
53 Be It Enacted by the Legislature of the State of Florida:

54
55 Section 1. Paragraph (k) is added to subsection (10) of
56 section 212.02, Florida Statutes, to read:

57 212.02 Definitions.—The following terms and phrases when
58 used in this chapter have the meanings ascribed to them in this

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59 section, except where the context clearly indicates a different
60 meaning:

61 (10) "Lease," "let," or "rental" means leasing or renting
62 of living quarters or sleeping or housekeeping accommodations in
63 hotels, apartment houses, roominghouses, tourist or trailer
64 camps and real property, the same being defined as follows:

65 (k) For purposes of this chapter, recovery residences
66 certified pursuant to s. 397.487 which rent properties are not
67 subject to any taxes imposed on transient accommodations,
68 including taxes imposed under s. 212.03; any locally imposed
69 discretionary sales surtax or any convention development tax
70 imposed under s. 212.0305; any tourist development tax imposed
71 under s. 125.0104; or any tourist impact tax imposed under s.
72 125.0108.

73 Section 2. Present subsections (9) through (50) of section
74 397.311, Florida Statutes, are redesignated as subsections (10)
75 through (51), respectively, a new subsection (9) is added to
76 that section, and subsection (5) of that section is amended, to
77 read:

78 397.311 Definitions.—As used in this chapter, except part
79 VIII, the term:

80 (5) "Certified recovery residence" means a recovery
81 residence that holds a valid certificate of compliance and is
82 actively managed by a certified recovery residence
83 administrator.

84 (a) A Level I certified recovery residence houses
85 individuals in recovery who have completed treatment, with a
86 minimum of 9 months of sobriety. A Level I certified recovery
87 residence is democratically run by the members who reside in the

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88 home.

89 (b) A Level II certified recovery residence encompasses the
90 traditional perspectives of sober living homes. There is
91 oversight from a house manager who has experience with living in
92 recovery. Residents are expected to follow rules outlined in a
93 resident handbook, which is provided by the certified recovery
94 residence administrator. Residents must pay dues, if applicable,
95 and work toward achieving realistic and defined milestones
96 within a chosen recovery path.

97 (c) A Level III certified recovery residence offers higher
98 supervision by staff with formal training to ensure resident
99 accountability. Such residences are staffed 24 hours a day, 7
100 days a week, and offer residents peer-support services, which
101 may include, but are not limited to, life skill mentoring,
102 recovery planning, and meal preparation. No clinical services
103 are performed at the residence. Such residences are most
104 appropriate for persons who require a more structured
105 environment during early recovery from addiction.

106 (d) A Level IV certified recovery residence is a residence
107 offered, referred to, or provided by, a licensed service
108 provider to its patients who are required to reside at the
109 residence while receiving intensive outpatient and higher levels
110 of outpatient care. Such residences are staffed 24 hours a day
111 and combine outpatient licensable services with recovery
112 residential living. Residents are required to follow a treatment
113 plan and attend group and individual sessions, in addition to
114 developing a recovery plan within the social model of living a
115 sober lifestyle. No clinical services are provided at the
116 residence, and all licensable services are provided off-site.

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117 (9) "Community housing" means a certified recovery
118 residence offered, referred to, or provided by a licensed
119 service provider that provides housing to its patients who are
120 required to reside at the residence while receiving intensive
121 outpatient and higher levels of outpatient care. A certified
122 recovery residence used by a licensed service provider that
123 meets the definition of community housing shall be classified as
124 a Level IV level of support, as described in subsection (5).

125 Section 3. Subsection (20) is added to section 397.321,
126 Florida Statutes, to read:

127 397.321 Duties of the department.—The department shall:

128 (20) Prominently display and make available on its website
129 no later than January 1, 2025, all documents in the department's
130 Provider Licensure and Designations System pertaining to the
131 following:

132 (a) Service provider applications for licensure and license
133 renewal.

134 (b) Policies and procedures provided to the department by
135 an applicant for service provider licensure or license renewal.

136 (c) The name and location of each recovery residence
137 engaged in a referral relationship with a licensed service
138 provider or service provider applicant, as required under ss.
139 397.4104 and 397.403(1)(j).

140 (d) All complaints pertaining to service providers received
141 by the department, and all investigative reports and findings,
142 whether founded or unfounded. Complainant names and other
143 identifying information shall be redacted.

144 (e) Fines assessed for violations pursuant to ss.
145 397.411(7), 397.4104(2), and 397.4873(7).

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146 (f) All reports or other documentation pertaining to
147 service provider license suspension or revocation.

148 (g) All inspection reports for service provider licenses
149 and recovery residences.

150 Section 4. Paragraph (a) of subsection (2) of section
151 397.335, Florida Statutes, is amended to read:

152 397.335 Statewide Council on Opioid Abatement.—

153 (2) MEMBERSHIP.—

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

156 1. The Attorney General, or his or her designee, who shall
157 serve as chair.

158 2. The secretary of the department, or his or her designee,
159 who shall serve as vice chair.

160 3. One member appointed by the Governor.

161 4. One member appointed by the President of the Senate.

162 5. One member appointed by the Speaker of the House of
163 Representatives.

164 6. Two members appointed by the Florida League of Cities
165 who are commissioners or mayors of municipalities. One member
166 shall be from a municipality with a population of fewer than
167 50,000 people.

168 7. Two members appointed by or through the Florida
169 Association of Counties who are county commissioners or mayors.
170 One member shall be appointed from a county with a population of
171 fewer than 200,000, and one member shall be appointed from a
172 county with a population of more than 200,000.

173 8. One member who is either a county commissioner or county
174 mayor appointed by the Florida Association of Counties or who is

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175 a commissioner or mayor of a municipality appointed by the
176 Florida League of Cities. The Florida Association of Counties
177 shall appoint such member for the initial term, and future
178 appointments must alternate between a member appointed by the
179 Florida League of Cities and a member appointed by the Florida
180 Association of Counties.

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

186 10. One member appointed by the Florida Association of
187 Recovery Residences.

188 11. One member appointed by the Florida Association of EMS
189 Medical Directors.

190 12. One member appointed by the Florida Society of
191 Addiction Medicine who is a medical doctor board certified in
192 addiction medicine.

193 13. One member appointed by the Florida Behavioral Health
194 Association.

195 14. One member appointed by Floridians for Recovery.

196 Section 5. Present paragraphs (c), (d), and (e) of
197 subsection (8) of section 397.487, Florida Statutes, are
198 redesignated as paragraphs (d), (e), and (f), respectively, a
199 new paragraph (c) is added to that subsection, subsections (13)
200 and (14) are added to that section, and paragraphs (b) and
201 present paragraphs (c), (d), and (e) of subsection (8) of that
202 section are amended, to read:

203 397.487 Voluntary certification of recovery residences.—

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204 (8) Onsite followup monitoring of a certified recovery
205 residence may be conducted by the credentialing entity to
206 determine continuing compliance with certification requirements.
207 The credentialing entity shall inspect each certified recovery
208 residence at least annually to ensure compliance.

209 (b) A certified recovery residence must notify the
210 credentialing entity within 3 business days after the removal of
211 the recovery residence's certified recovery residence
212 administrator due to termination, resignation, or any other
213 reason. The certified recovery residence has 90 ~~30~~ days to
214 retain a certified recovery residence administrator. The
215 credentialing entity shall revoke the certificate of compliance
216 of any certified recovery residence that fails to comply with
217 this paragraph.

218 (c) If a certified recovery residence's administrator has
219 been removed due to termination, resignation, or any other
220 reason and had been previously approved to actively manage more
221 than 50 residents pursuant to s. 397.4871(8) (b), the certified
222 recovery residence has 90 days to retain another certified
223 recovery residence administrator pursuant to that section. The
224 credentialing entity shall revoke the certificate of compliance
225 of any certified recovery residence that fails to comply with
226 this paragraph.

227 (d) ~~(e)~~ If any owner, director, or chief financial officer
228 of a certified recovery residence is arrested and awaiting
229 disposition for or found guilty of, or enters a plea of guilty
230 or nolo contendere to, regardless of whether adjudication is
231 withheld, any offense listed in s. 435.04(2) while acting in
232 that capacity, the certified recovery residence must ~~shall~~

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233 immediately remove the person from that position and ~~shall~~
234 notify the credentialing entity within 3 business days after
235 such removal. The credentialing entity may ~~shall~~ revoke the
236 certificate of compliance of a certified recovery residence that
237 fails to meet these requirements.

238 (e) ~~(d)~~ A credentialing entity shall revoke a certified
239 recovery residence's certificate of compliance if the certified
240 recovery residence provides false or misleading information to
241 the credentialing entity at any time.

242 (f) ~~(e)~~ Any decision by a department-recognized
243 credentialing entity to deny, revoke, or suspend a
244 certification, or otherwise impose sanctions on a certified
245 recovery residence, is reviewable by the department. Upon
246 receiving an adverse determination, the certified recovery
247 residence may request an administrative hearing pursuant to ss.
248 120.569 and 120.57(1) within 30 days after completing any
249 appeals process offered by the credentialing entity or the
250 department, as applicable.

251 (13) On or after January 1, 2025, a recovery residence may
252 not deny an individual access to housing solely on the basis
253 that he or she has been prescribed federally approved medication
254 that assists with treatment for substance use disorders by a
255 licensed physician, a physician's assistant, or an advanced
256 practice registered nurse registered under s. 464.0123.

257 (14) A local law, ordinance, or regulation may not regulate
258 the duration or frequency of a resident's stay in a certified
259 recovery residence located within a multifamily zoning district.
260 This subsection does not apply to any local law, ordinance, or
261 regulation adopted on or before February 1, 2025.

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262 Section 6. Paragraphs (b) and (c) of subsection (6) of
263 section 397.4871, Florida Statutes, are amended, and paragraph
264 (c) is added to subsection (8) of that section, to read:

265 397.4871 Recovery residence administrator certification.—

266 (6) The credentialing entity shall issue a certificate of
267 compliance upon approval of a person's application. The
268 certification shall automatically terminate 1 year after
269 issuance if not renewed.

270 (b) If a certified recovery residence administrator of a
271 recovery residence is arrested and awaiting disposition for or
272 found guilty of, or enters a plea of guilty or nolo contendere
273 to, regardless of whether adjudication is withheld, any offense
274 listed in s. 435.04(2) while acting in that capacity, the
275 certified recovery residence must ~~shall~~ immediately remove the
276 person from that position and ~~shall~~ notify the credentialing
277 entity within 3 business days after such removal. The certified
278 recovery residence shall ~~have 30 days to~~ retain a certified
279 recovery residence administrator within 90 days after such
280 removal. The credentialing entity shall revoke the certificate
281 of compliance of any recovery residence that fails to meet these
282 requirements.

283 (c) A credentialing entity shall revoke a certified
284 recovery residence administrator's certificate of compliance if
285 the recovery residence administrator provides false or
286 misleading information to the credentialing entity at any time.

287 (8)

288 (c) Notwithstanding paragraph (b), a Level IV certified
289 recovery residence with a community housing component, which
290 residence is actively managed by a certified recovery residence

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291 administrator approved for 100 residents under this section and
292 is wholly owned or controlled by a licensed service provider,
293 may actively manage up to 150 residents so long as the licensed
294 service provider maintains a service provider personnel-to-
295 patient ratio of 1 to 8 and maintains onsite supervision at the
296 residences 24 hours a day, 7 days a week, with a personnel-to-
297 resident ratio of 1 to 10. A certified recovery residence
298 administrator who has been removed by a certified recovery
299 residence due to termination, resignation, or any other reason
300 may not continue to actively manage more than 50 residents for
301 another service provider or certified recovery residence without
302 being approved by the credentialing entity.

303 Section 7. This act shall take effect July 1, 2024.