

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

586-02946-24

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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. 397.335, F.S.;
9 revising the membership of the Statewide Council on
10 Opioid Abatement to include additional members;
11 amending s. 397.487, F.S.; extending the deadline for
12 certified recovery residences to retain a replacement
13 for a certified recovery residence administrator who
14 has been removed from his or her position; requiring
15 certified recovery residences to remove certain
16 individuals from their positions if they are arrested
17 and awaiting disposition for, are found guilty of, or
18 enter a plea of guilty or nolo contendere to certain
19 offenses, regardless if adjudication is withheld;
20 requiring the certified recovery residence to retain a
21 certified recovery residence administrator if the
22 previous certified recovery residence administrator
23 has been removed due to any reason; conforming
24 provisions to changes made by the act; prohibiting
25 certified recovery residences, on or after a specified
26 date, from denying an individual access to housing
27 solely for being prescribed federally approved
28 medications from licensed health care professionals;
29 prohibiting local laws, ordinances, or regulations

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

46
47 Be It Enacted by the Legislature of the State of Florida:

48
49 Section 1. Paragraph (k) is added to subsection (10) of
50 section 212.02, Florida Statutes, to read:

51 212.02 Definitions.—The following terms and phrases when
52 used in this chapter have the meanings ascribed to them in this
53 section, except where the context clearly indicates a different
54 meaning:

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

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

67 Section 2. Present subsections (9) through (50) of section
68 397.311, Florida Statutes, are redesignated as subsections (10)
69 through (51), respectively, a new subsection (9) is added to
70 that section, and subsection (5) of that section is amended, to
71 read:

72 397.311 Definitions.—As used in this chapter, except part
73 VIII, the term:

74 (5) "Certified recovery residence" means a recovery
75 residence that holds a valid certificate of compliance and is
76 actively managed by a certified recovery residence
77 administrator.

78 (a) A Level I certified recovery residence houses
79 individuals in recovery who have completed treatment, with a
80 minimum of 9 months of sobriety. A Level I certified recovery
81 residence is democratically run by the members who reside in the
82 home.

83 (b) A Level II certified recovery residence encompasses the
84 traditional perspectives of sober living homes. There is
85 oversight from a house manager who has experience with living in
86 recovery. Residents are expected to follow rules outlined in a
87 resident handbook, which is provided by the certified recovery

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88 residence administrator. Residents must pay dues, if applicable,
89 and work toward achieving realistic and defined milestones
90 within a chosen recovery path.

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

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

111 (9) "Community housing" means a certified recovery
112 residence offered, referred to, or provided by a licensed
113 service provider that provides housing to its patients who are
114 required to reside at the residence while receiving intensive
115 outpatient and higher levels of outpatient care. A certified
116 recovery residence used by a licensed service provider that

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117 meets the definition of community housing shall be classified as
118 a Level IV level of support, as described in subsection (5).

119 Section 3. Paragraph (a) of subsection (2) of section
120 397.335, Florida Statutes, is amended to read:

121 397.335 Statewide Council on Opioid Abatement.—

122 (2) MEMBERSHIP.—

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

125 1. The Attorney General, or his or her designee, who shall
126 serve as chair.

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

129 3. One member appointed by the Governor.

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

131 5. One member appointed by the Speaker of the House of
132 Representatives.

133 6. Two members appointed by the Florida League of Cities
134 who are commissioners or mayors of municipalities. One member
135 shall be from a municipality with a population of fewer than
136 50,000 people.

137 7. Two members appointed by or through the Florida
138 Association of Counties who are county commissioners or mayors.
139 One member shall be appointed from a county with a population of
140 fewer than 200,000, and one member shall be appointed from a
141 county with a population of more than 200,000.

142 8. One member who is either a county commissioner or county
143 mayor appointed by the Florida Association of Counties or who is
144 a commissioner or mayor of a municipality appointed by the
145 Florida League of Cities. The Florida Association of Counties

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146 shall appoint such member for the initial term, and future
147 appointments must alternate between a member appointed by the
148 Florida League of Cities and a member appointed by the Florida
149 Association of Counties.

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

155 10. One member appointed by the Florida Association of
156 Recovery Residences.

157 11. One member appointed by the Florida Association of EMS
158 Medical Directors.

159 12. One member appointed by the Florida Society of
160 Addiction Medicine who is a medical doctor board certified in
161 addiction medicine.

162 13. One member appointed by the Florida Behavioral Health
163 Association.

164 14. One member appointed by Floridians for Recovery.

165 15. One member appointed by the Florida Certification
166 Board.

167 16. One member appointed by the Florida Association of
168 Managing Entities.

169 Section 4. Present paragraphs (c), (d), and (e) of
170 subsection (8) of section 397.487, Florida Statutes, are
171 redesignated as paragraphs (d), (e), and (f), respectively, a
172 new paragraph (c) is added to that subsection, subsections (13)
173 and (14) are added to that section, and paragraph (b) and
174 present paragraphs (c), (d), and (e) of subsection (8) of that

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175 section are amended, to read:

176 397.487 Voluntary certification of recovery residences.—

177 (8) Onsite followup monitoring of a certified recovery
178 residence may be conducted by the credentialing entity to
179 determine continuing compliance with certification requirements.
180 The credentialing entity shall inspect each certified recovery
181 residence at least annually to ensure compliance.

182 (b) A certified recovery residence must notify the
183 credentialing entity within 3 business days after the removal of
184 the recovery residence's certified recovery residence
185 administrator due to termination, resignation, or any other
186 reason. The certified recovery residence has 90 ~~30~~ days to
187 retain a certified recovery residence administrator. The
188 credentialing entity shall revoke the certificate of compliance
189 of any certified recovery residence that fails to comply with
190 this paragraph.

191 (c) If a certified recovery residence's administrator has
192 been removed due to termination, resignation, or any other
193 reason and had been previously approved to actively manage more
194 than 50 residents pursuant to s. 397.4871(8)(b), the certified
195 recovery residence has 90 days to retain another certified
196 recovery residence administrator pursuant to that section. The
197 credentialing entity shall revoke the certificate of compliance
198 of any certified recovery residence that fails to comply with
199 this paragraph.

200 (d) ~~(e)~~ If any owner, director, or chief financial officer
201 of a certified recovery residence is arrested and awaiting
202 disposition for or found guilty of, or enters a plea of guilty
203 or nolo contendere to, regardless of whether adjudication is s

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204 ~~withheld~~, any offense listed in s. 435.04(2) while acting in
205 that capacity, the certified recovery residence must ~~shall~~
206 immediately remove the person from that position and ~~shall~~
207 notify the credentialing entity within 3 business days after
208 such removal. The credentialing entity may ~~shall~~ revoke the
209 certificate of compliance of a certified recovery residence that
210 fails to meet these requirements.

211 (e) ~~(d)~~ A credentialing entity shall revoke a certified
212 recovery residence's certificate of compliance if the certified
213 recovery residence provides false or misleading information to
214 the credentialing entity at any time.

215 (f) ~~(e)~~ Any decision by a department-recognized
216 credentialing entity to deny, revoke, or suspend a
217 certification, or otherwise impose sanctions on a certified
218 recovery residence, is reviewable by the department. Upon
219 receiving an adverse determination, the certified recovery
220 residence may request an administrative hearing pursuant to ss.
221 120.569 and 120.57(1) within 30 days after completing any
222 appeals process offered by the credentialing entity or the
223 department, as applicable.

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

230 (14) A local law, ordinance, or regulation may not regulate
231 the duration or frequency of a resident's stay in a certified
232 recovery residence located within a multifamily zoning district.

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233 This subsection does not apply to any local law, ordinance, or
234 regulation adopted on or before February 1, 2025.

235 Section 5. Paragraphs (b) and (c) of subsection (6) of
236 section 397.4871, Florida Statutes, are amended, and paragraph
237 (c) is added to subsection (8) of that section, to read:

238 397.4871 Recovery residence administrator certification.—

239 (6) The credentialing entity shall issue a certificate of
240 compliance upon approval of a person's application. The
241 certification shall automatically terminate 1 year after
242 issuance if not renewed.

243 (b) If a certified recovery residence administrator of a
244 recovery residence is arrested and awaiting disposition for or
245 found guilty of, or enters a plea of guilty or nolo contendere
246 to, regardless of whether adjudication is withheld, any offense
247 listed in s. 435.04(2) while acting in that capacity, the
248 certified recovery residence must ~~shall~~ immediately remove the
249 person from that position and ~~shall~~ notify the credentialing
250 entity within 3 business days after such removal. The certified
251 recovery residence shall ~~have 30 days to~~ retain a certified
252 recovery residence administrator within 90 days after such
253 removal. The credentialing entity shall revoke the certificate
254 of compliance of any recovery residence that fails to meet these
255 requirements.

256 (c) A credentialing entity shall revoke a certified
257 recovery residence administrator's certificate of compliance if
258 the recovery residence administrator provides false or
259 misleading information to the credentialing entity at any time.

260 (8)

261 (c) Notwithstanding paragraph (b), a Level IV certified

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262 recovery residence operating as community housing as defined in
263 s. 397.311(9), which residence is actively managed by a
264 certified recovery residence administrator approved for 100
265 residents under this section and is wholly owned or controlled
266 by a licensed service provider, may actively manage up to 150
267 residents so long as the licensed service provider maintains a
268 service provider personnel-to-patient ratio of 1 to 8 and
269 maintains onsite supervision at the residences 24 hours a day, 7
270 days a week, with a personnel-to-resident ratio of 1 to 10. A
271 certified recovery residence administrator who has been removed
272 by a certified recovery residence due to termination,
273 resignation, or any other reason may not continue to actively
274 manage more than 50 residents for another service provider or
275 certified recovery residence without being approved by the
276 credentialing entity.

277 Section 6. This act shall take effect July 1, 2024.