

By the Appropriations Committee on Health and Human Services;
the Committee on Children, Families, and Elder Affairs; and
Senator Harrell

603-03305-24

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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. 397.407, F.S.; authorizing, rather than
12 requiring, the Department of Children and Families to
13 issue a license for certain service components
14 operated by a service provider; deleting the timeframe
15 in which a licensed service provider must apply for
16 additional services and requiring the service provider
17 to obtain approval prior to relocating to a different
18 service site; removing a requirement that a separate
19 license is required for each service component
20 maintained by a service provider; amending s. 397.487,
21 F.S.; extending the deadline for certified recovery
22 residences to retain a replacement for a certified
23 recovery residence administrator who has been removed
24 from his or her position; requiring certified recovery
25 residences to remove certain individuals from their
26 positions if they are arrested and awaiting
27 disposition for, are found guilty of, or enter a plea
28 of guilty or nolo contendere to certain offenses,
29 regardless if adjudication is withheld; requiring the

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

56
57 Be It Enacted by the Legislature of the State of Florida:
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59 Section 1. Paragraph (k) is added to subsection (10) of
60 section 212.02, Florida Statutes, to read:

61 212.02 Definitions.—The following terms and phrases when
62 used in this chapter have the meanings ascribed to them in this
63 section, except where the context clearly indicates a different
64 meaning:

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

69 (k) For purposes of this chapter, recovery residences
70 certified pursuant to s. 397.487 which rent properties are not
71 subject to any taxes imposed on transient accommodations,
72 including taxes imposed under s. 212.03; any locally imposed
73 discretionary sales surtax or any convention development tax
74 imposed under s. 212.0305; any tourist development tax imposed
75 under s. 125.0104; or any tourist impact tax imposed under s.
76 125.0108.

77 Section 2. Present subsections (9) through (50) of section
78 397.311, Florida Statutes, are redesignated as subsections (10)
79 through (51), respectively, a new subsection (9) is added to
80 that section, and subsection (5) of that section is amended, to
81 read:

82 397.311 Definitions.—As used in this chapter, except part
83 VIII, the term:

84 (5) "Certified recovery residence" means a recovery
85 residence that holds a valid certificate of compliance and is
86 actively managed by a certified recovery residence
87 administrator.

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88 (a) A Level I certified recovery residence houses
89 individuals in recovery who have completed treatment, with a
90 minimum of 9 months of sobriety. A Level I certified recovery
91 residence is democratically run by the members who reside in the
92 home.

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

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

110 (d) A Level IV certified recovery residence is a residence
111 offered, referred to, or provided by, a licensed service
112 provider to its patients who are required to reside at the
113 residence while receiving intensive outpatient and higher levels
114 of outpatient care. Such residences are staffed 24 hours a day
115 and combine outpatient licensable services with recovery
116 residential living. Residents are required to follow a treatment

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117 plan and attend group and individual sessions, in addition to
118 developing a recovery plan within the social model of living a
119 sober lifestyle. No clinical services are provided at the
120 residence, and all licensable services are provided off-site.

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

129 Section 3. Paragraph (a) of subsection (2) of section
130 397.335, Florida Statutes, is amended to read:

131 397.335 Statewide Council on Opioid Abatement.—

132 (2) MEMBERSHIP.—

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

135 1. The Attorney General, or his or her designee, who shall
136 serve as chair.

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

139 3. One member appointed by the Governor.

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

141 5. One member appointed by the Speaker of the House of
142 Representatives.

143 6. Two members appointed by the Florida League of Cities
144 who are commissioners or mayors of municipalities. One member
145 shall be from a municipality with a population of fewer than

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146 50,000 people.

147 7. Two members appointed by or through the Florida
148 Association of Counties who are county commissioners or mayors.
149 One member shall be appointed from a county with a population of
150 fewer than 200,000, and one member shall be appointed from a
151 county with a population of more than 200,000.

152 8. One member who is either a county commissioner or county
153 mayor appointed by the Florida Association of Counties or who is
154 a commissioner or mayor of a municipality appointed by the
155 Florida League of Cities. The Florida Association of Counties
156 shall appoint such member for the initial term, and future
157 appointments must alternate between a member appointed by the
158 Florida League of Cities and a member appointed by the Florida
159 Association of Counties.

160 9. Two members appointed by or through the State Surgeon
161 General. One shall be a staff member from the Department of
162 Health who has experience coordinating state and local efforts
163 to abate the opioid epidemic, and one shall be a licensed
164 physician who is board certified in both addiction medicine and
165 psychiatry.

166 10. One member appointed by the Florida Association of
167 Recovery Residences.

168 11. One member appointed by the Florida Association of EMS
169 Medical Directors.

170 12. One member appointed by the Florida Society of
171 Addiction Medicine who is a licensed physician board certified
172 in addiction medicine.

173 13. One member appointed by the Florida Behavioral Health
174 Association.

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175 14. One member appointed by Floridians for Recovery.

176 15. One member appointed by the Florida Certification
177 Board.

178 16. One member appointed by the Florida Association of
179 Managing Entities.

180 Section 4. Subsections (6) and (10) of section 397.407,
181 Florida Statutes, are amended to read:

182 397.407 Licensure process; fees.—

183 (6) The department may issue probationary, regular, and
184 interim licenses. The department may ~~shall~~ issue one license for
185 all each service components component that is operated by a
186 service provider and defined pursuant to s. 397.311(26). The
187 license is valid only for the specific service components listed
188 for each specific location identified on the license. The
189 licensed service provider shall apply for ~~a new license at least~~
190 ~~60 days before~~ the addition of any service components and obtain
191 approval prior to initiating additional services. The licensed
192 service provider must notify the department and provide any
193 required documentation at least ~~or~~ 30 days before the relocation
194 of any of its service sites. Provision of service components or
195 delivery of services at a location not identified on the license
196 may be considered an unlicensed operation that authorizes the
197 department to seek an injunction against operation as provided
198 in s. 397.401, in addition to other sanctions authorized by s.
199 397.415. Probationary and regular licenses may be issued only
200 after all required information has been submitted. A license may
201 not be transferred. As used in this subsection, the term
202 "transfer" includes, but is not limited to, the transfer of a
203 majority of the ownership interest in the licensed entity or

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204 transfer of responsibilities under the license to another entity
205 by contractual arrangement.

206 ~~(10) A separate license is required for each service~~
207 ~~component maintained by the service provider.~~

208 Section 5. Present paragraphs (c), (d), and (e) of
209 subsection (8) of section 397.487, Florida Statutes, are
210 redesignated as paragraphs (d), (e), and (f), respectively, a
211 new paragraph (c) is added to that subsection, subsections (13)
212 and (14) are added to that section, and paragraph (b) and
213 present paragraphs (c), (d), and (e) of subsection (8) of that
214 section are amended, to read:

215 397.487 Voluntary certification of recovery residences.—

216 (8) Onsite followup monitoring of a certified recovery
217 residence may be conducted by the credentialing entity to
218 determine continuing compliance with certification requirements.
219 The credentialing entity shall inspect each certified recovery
220 residence at least annually to ensure compliance.

221 (b) A certified recovery residence must notify the
222 credentialing entity within 3 business days after the removal of
223 the recovery residence's certified recovery residence
224 administrator due to termination, resignation, or any other
225 reason. The certified recovery residence has 90 ~~30~~ days to
226 retain a certified recovery residence administrator. The
227 credentialing entity shall revoke the certificate of compliance
228 of any certified recovery residence that fails to comply with
229 this paragraph.

230 (c) If a certified recovery residence's administrator has
231 been removed due to termination, resignation, or any other
232 reason and had been previously approved to actively manage more

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233 than 50 residents pursuant to s. 397.4871(8)(b), the certified
234 recovery residence has 90 days to retain another certified
235 recovery residence administrator pursuant to that section. The
236 credentialing entity shall revoke the certificate of compliance
237 of any certified recovery residence that fails to comply with
238 this paragraph.

239 (d)~~(e)~~ If any owner, director, or chief financial officer
240 of a certified recovery residence is arrested and awaiting
241 disposition for or found guilty of, or enters a plea of guilty
242 or nolo contendere to, regardless of whether adjudication is
243 withheld, any offense listed in s. 435.04(2) while acting in
244 that capacity, the certified recovery residence must ~~shall~~
245 immediately remove the person from that position and ~~shall~~
246 notify the credentialing entity within 3 business days after
247 such removal. The credentialing entity may ~~shall~~ revoke the
248 certificate of compliance of a certified recovery residence that
249 fails to meet these requirements.

250 (e)~~(d)~~ A credentialing entity shall revoke a certified
251 recovery residence's certificate of compliance if the certified
252 recovery residence provides false or misleading information to
253 the credentialing entity at any time.

254 (f)~~(e)~~ Any decision by a department-recognized
255 credentialing entity to deny, revoke, or suspend a
256 certification, or otherwise impose sanctions on a certified
257 recovery residence, is reviewable by the department. Upon
258 receiving an adverse determination, the certified recovery
259 residence may request an administrative hearing pursuant to ss.
260 120.569 and 120.57(1) within 30 days after completing any
261 appeals process offered by the credentialing entity or the

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262 department, as applicable.

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

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

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

277 397.4871 Recovery residence administrator certification.—

278 (6) The credentialing entity shall issue a certificate of
279 compliance upon approval of a person's application. The
280 certification shall automatically terminate 1 year after
281 issuance if not renewed.

282 (b) If a certified recovery residence administrator of a
283 recovery residence is arrested and awaiting disposition for or
284 found guilty of, or enters a plea of guilty or nolo contendere
285 to, regardless of whether adjudication is withheld, any offense
286 listed in s. 435.04(2) while acting in that capacity, the
287 certified recovery residence must ~~shall~~ immediately remove the
288 person from that position and ~~shall~~ notify the credentialing
289 entity within 3 business days after such removal. The certified
290 recovery residence shall ~~have 30 days to~~ retain a certified

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291 recovery residence administrator within 90 days after such
292 removal. The credentialing entity shall revoke the certificate
293 of compliance of any recovery residence that fails to meet these
294 requirements.

295 (c) A credentialing entity shall revoke a certified
296 recovery residence administrator's certificate of compliance if
297 the recovery residence administrator provides false or
298 misleading information to the credentialing entity at any time.

299 (8)

300 (c) Notwithstanding paragraph (b), a Level IV certified
301 recovery residence operating as community housing as defined in
302 s. 397.311(9), which residence is actively managed by a
303 certified recovery residence administrator approved for 100
304 residents under this section and is wholly owned or controlled
305 by a licensed service provider, may actively manage up to 150
306 residents so long as the licensed service provider maintains a
307 service provider personnel-to-patient ratio of 1 to 8 and
308 maintains onsite supervision at the residence 24 hours a day, 7
309 days a week, with a personnel-to-resident ratio of 1 to 10. A
310 certified recovery residence administrator who has been removed
311 by a certified recovery residence due to termination,
312 resignation, or any other reason may not continue to actively
313 manage more than 50 residents for another service provider or
314 certified recovery residence without being approved by the
315 credentialing entity.

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