

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

576-03635-24

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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. 397.407, F.S.;
7 authorizing, rather than requiring, the Department of
8 Children and Families to issue a license for certain
9 service components operated by a service provider;
10 deleting the timeframe in which a licensed service
11 provider must apply for additional services and
12 requiring the service provider to obtain approval
13 prior to relocating to a different service site;
14 removing a requirement that a separate license is
15 required for each service component maintained by a
16 service provider; amending s. 397.487, F.S.; extending
17 the deadline for certified recovery residences to
18 retain a replacement for a certified recovery
19 residence administrator who has been removed from his
20 or her position; requiring certified recovery
21 residences to remove certain individuals from their
22 positions if they are arrested and awaiting
23 disposition for, are found guilty of, or enter a plea
24 of guilty or nolo contendere to certain offenses,
25 regardless of whether 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 by 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; making technical
40 changes; amending s. 397.4871, F.S.; conforming
41 provisions to changes made by the act; authorizing
42 certain Level IV certified recovery residences owned
43 or controlled by a licensed service provider and
44 managed by a certified recovery residence
45 administrator approved for a specified number of
46 residents to manage a specified greater number of
47 residents, provided that certain criteria are met;
48 prohibiting a certified recovery residence
49 administrator who has been removed by a certified
50 recovery residence from taking on certain other
51 management positions without approval from a
52 credentialing entity; providing an effective date.

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

55
56 Section 1. Present subsections (9) through (50) of section
57 397.311, Florida Statutes, are redesignated as subsections (10)
58 through (51), respectively, a new subsection (9) is added to

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59 that section, and subsection (5) of that section is amended, to
60 read:

61 397.311 Definitions.—As used in this chapter, except part
62 VIII, the term:

63 (5) “Certified recovery residence” means a recovery
64 residence that holds a valid certificate of compliance and is
65 actively managed by a certified recovery residence
66 administrator.

67 (a) A Level I certified recovery residence houses
68 individuals in recovery who have completed treatment, with a
69 minimum of 9 months of sobriety. A Level I certified recovery
70 residence is democratically run by the members who reside in the
71 home.

72 (b) A Level II certified recovery residence encompasses the
73 traditional perspectives of sober living homes. There is
74 oversight from a house manager who has experience with living in
75 recovery. Residents are expected to follow rules outlined in a
76 resident handbook, which is provided by the certified recovery
77 residence administrator. Residents must pay dues, if applicable,
78 and work toward achieving realistic and defined milestones
79 within a chosen recovery path.

80 (c) A Level III certified recovery residence offers higher
81 supervision by staff with formal training to ensure resident
82 accountability. Such residences are staffed 24 hours a day, 7
83 days a week, and offer residents peer-support services, which
84 may include, but are not limited to, life skill mentoring,
85 recovery planning, and meal preparation. No clinical services
86 are performed at the residence. Such residences are most
87 appropriate for persons who require a more structured

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88 environment during early recovery from addiction.

89 (d) A Level IV certified recovery residence is a residence
90 offered, referred to, or provided by, a licensed service
91 provider to its patients who are required to reside at the
92 residence while receiving intensive outpatient and higher levels
93 of outpatient care. Such residences are staffed 24 hours a day
94 and combine outpatient licensable services with recovery
95 residential living. Residents are required to follow a treatment
96 plan and attend group and individual sessions, in addition to
97 developing a recovery plan within the social model of living a
98 sober lifestyle. No clinical services are provided at the
99 residence, and all licensable services are provided off-site.

100 (9) "Community housing" means a certified recovery
101 residence offered, referred to, or provided by a licensed
102 service provider that provides housing to its patients who are
103 required to reside at the residence while receiving intensive
104 outpatient and higher levels of outpatient care. A certified
105 recovery residence used by a licensed service provider which
106 meets the definition of community housing shall be classified as
107 a Level IV level of support, as described in subsection (5).

108 Section 2. Subsections (6) and (10) of section 397.407,
109 Florida Statutes, are amended to read:

110 397.407 Licensure process; fees.—

111 (6) The department may issue probationary, regular, and
112 interim licenses. The department may ~~shall~~ issue one license for
113 all ~~each~~ service components ~~component~~ ~~that is~~ operated by a
114 service provider and defined pursuant to s. 397.311(26). The
115 license is valid only for the specific service components listed
116 for each specific location identified on the license. The

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117 licensed service provider shall apply for ~~a new license at least~~
118 ~~60 days before~~ the addition of any service components and obtain
119 approval prior to initiating additional services. The licensed
120 service provider must notify the department and provide any
121 required documentation at least ~~or~~ 30 days before the relocation
122 of any of its service sites. Provision of service components or
123 delivery of services at a location not identified on the license
124 may be considered an unlicensed operation that authorizes the
125 department to seek an injunction against operation as provided
126 in s. 397.401, in addition to other sanctions authorized by s.
127 397.415. Probationary and regular licenses may be issued only
128 after all required information has been submitted. A license may
129 not be transferred. As used in this subsection, the term
130 "transfer" includes, but is not limited to, the transfer of a
131 majority of the ownership interest in the licensed entity or
132 transfer of responsibilities under the license to another entity
133 by contractual arrangement.

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

136 Section 3. Present paragraphs (c), (d), and (e) of
137 subsection (8) of section 397.487, Florida Statutes, are
138 redesignated as paragraphs (d), (e), and (f), respectively, a
139 new paragraph (c) is added to that subsection, subsections (13)
140 and (14) are added to that section, and paragraph (b) and
141 present paragraphs (c), (d), and (e) of subsection (8) of that
142 section are amended, to read:

143 397.487 Voluntary certification of recovery residences.—

144 (8) Onsite follow-up ~~followup~~ monitoring of a certified
145 recovery residence may be conducted by the credentialing entity

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146 to determine continuing compliance with certification
147 requirements. The credentialing entity shall inspect each
148 certified recovery residence at least annually to ensure
149 compliance.

150 (b) A certified recovery residence must notify the
151 credentialing entity within 3 business days after the removal of
152 the recovery residence's certified recovery residence
153 administrator due to termination, resignation, or any other
154 reason. The certified recovery residence has 90 ~~30~~ days to
155 retain a certified recovery residence administrator. The
156 credentialing entity shall revoke the certificate of compliance
157 of any certified recovery residence that fails to comply with
158 this paragraph.

159 (c) If a certified recovery residence's administrator has
160 been removed due to termination, resignation, or any other
161 reason and had been previously approved to actively manage more
162 than 50 residents pursuant to s. 397.4871(8)(b), the certified
163 recovery residence has 90 days to retain another certified
164 recovery residence administrator pursuant to that section. The
165 credentialing entity shall revoke the certificate of compliance
166 of any certified recovery residence that fails to comply with
167 this paragraph.

168 (d) ~~(e)~~ If any owner, director, or chief financial officer
169 of a certified recovery residence is arrested and awaiting
170 disposition for or found guilty of, or enters a plea of guilty
171 or nolo contendere to, regardless of whether adjudication is
172 withheld, any offense listed in s. 435.04(2) while acting in
173 that capacity, the certified recovery residence must ~~shall~~
174 immediately remove the person from that position and ~~shall~~

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175 notify the credentialing entity within 3 business days after
176 such removal. The credentialing entity may ~~shall~~ revoke the
177 certificate of compliance of a certified recovery residence that
178 fails to meet these requirements.

179 (e) ~~(d)~~ A credentialing entity shall revoke a certified
180 recovery residence's certificate of compliance if the certified
181 recovery residence provides false or misleading information to
182 the credentialing entity at any time.

183 (f) ~~(e)~~ Any decision by a department-recognized
184 credentialing entity to deny, revoke, or suspend a
185 certification, or otherwise impose sanctions on a certified
186 recovery residence, is reviewable by the department. Upon
187 receiving an adverse determination, the certified recovery
188 residence may request an administrative hearing pursuant to ss.
189 120.569 and 120.57(1) within 30 days after completing any
190 appeals process offered by the credentialing entity or the
191 department, as applicable.

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

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

203 Section 4. Paragraphs (b) and (c) of subsection (6) of

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204 section 397.4871, Florida Statutes, are amended, and paragraph
205 (c) is added to subsection (8) of that section, to read:

206 397.4871 Recovery residence administrator certification.—

207 (6) The credentialing entity shall issue a certificate of
208 compliance upon approval of a person's application. The
209 certification shall automatically terminate 1 year after
210 issuance if not renewed.

211 (b) If a certified recovery residence administrator of a
212 recovery residence is arrested and awaiting disposition for or
213 found guilty of, or enters a plea of guilty or nolo contendere
214 to, regardless of whether adjudication is withheld, any offense
215 listed in s. 435.04(2) while acting in that capacity, the
216 certified recovery residence must ~~shall~~ immediately remove the
217 person from that position and ~~shall~~ notify the credentialing
218 entity within 3 business days after such removal. The certified
219 recovery residence shall ~~have 30 days to~~ retain a certified
220 recovery residence administrator within 90 days after such
221 removal. The credentialing entity shall revoke the certificate
222 of compliance of any recovery residence that fails to meet these
223 requirements.

224 (c) A credentialing entity shall revoke a certified
225 recovery residence administrator's certificate of compliance if
226 the recovery residence administrator provides false or
227 misleading information to the credentialing entity at any time.

228 (8)

229 (c) Notwithstanding paragraph (b), a Level IV certified
230 recovery residence operating as community housing as defined in
231 s. 397.311(9), which residence is actively managed by a
232 certified recovery residence administrator approved for 100

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233 residents under this section and is wholly owned or controlled
234 by a licensed service provider, may actively manage up to 150
235 residents so long as the licensed service provider maintains a
236 service provider personnel-to-patient ratio of 1 to 8 and
237 maintains onsite supervision at the residence 24 hours a day, 7
238 days a week, with a personnel-to-resident ratio of 1 to 10. A
239 certified recovery residence administrator who has been removed
240 by a certified recovery residence due to termination,
241 resignation, or any other reason may not continue to actively
242 manage more than 50 residents for another service provider or
243 certified recovery residence without being approved by the
244 credentialing entity.

245 Section 5. This act shall take effect July 1, 2024.