

1 A bill to be entitled
2 An act relating to substance use disorder treatment
3 services; creating s. 397.342, F.S.; creating the
4 Substance Use Disorder Housing Advisory Council;
5 providing legislative findings and intent; providing
6 for membership; requiring the University of South
7 Florida College of Public Health to assist the
8 advisory council in conducting a study to evaluate
9 national best practice standards for specified
10 purposes; providing for funding of the study;
11 requiring the advisory council to conduct a review of
12 statewide zoning codes for specified purposes;
13 providing for reports by specified dates; providing
14 for future repeal; amending s. 397.305, F.S.; revising
15 and providing legislative findings and intent;
16 authorizing addiction treatment services to be
17 provided through for-profit providers; amending s.
18 397.487, F.S.; providing that the certification of
19 recovery residences that meet specified standards
20 protects certain persons; requiring certain recovery
21 residences to keep specified records confidential;
22 prohibiting a local law, ordinance, or regulation from
23 regulating the duration or frequency of resident stay
24 at certain recovery residences; providing
25 applicability; providing an effective date.

26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50

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

Section 1. Section 397.342, Florida Statutes, is created to read:

397.342 Substance Use Disorder Housing Advisory Council.-

(1) The Substance Use Disorder Housing Advisory Council, an advisory council as defined in s. 20.03(7), is created within the department.

(a) The Legislature finds that the state has a legitimate interest in protecting persons in recovery residences by requiring such homes to meet national best practice standards.

(b) The Legislature intends for this advisory council to ensure state standards for recovery residences conform to national best practice standards to the greatest extent possible and to study local governmental obstructions to achieving these national best practice standards through zoning regulations.

(2) Except as otherwise provided in this section, the advisory council shall operate in accordance with s. 20.052.

(3) The advisory council shall be composed of seven members, to be appointed for staggered terms of not more than 4 years, as follows:

(a) A representative of the Executive Office of the Governor, appointed by the Governor.

(b) A member of the Senate, appointed by the President of

51 the Senate.

52 (c) A member of the House of Representatives, appointed by
 53 the Speaker of the House of Representatives.

54 (d) A representative from the department, appointed by the
 55 Governor.

56 (e) A representative from the Agency for Health Care
 57 Administration, appointed by the Governor.

58 (f) A representative of the Florida Association of
 59 Recovery Residences, appointed by the Governor.

60 (g) A representative of the Palm Beach County State
 61 Attorney Addiction Recovery Task Force, appointed by the
 62 Governor.

63 (4) The advisory council shall appoint a chair and vice
 64 chair from the members of the council and shall meet at least
 65 monthly.

66 (5) Members of the advisory council shall serve without
 67 compensation, but shall be entitled to necessary expenses
 68 incurred in the discharge of their duties.

69 (6) (a) The University of South Florida College of Public
 70 Health shall assist the advisory council in conducting a study
 71 to evaluate the national best practice standards from the
 72 Substance Abuse and Mental Health Services Administration, with
 73 the goal of removing obstacles to therapeutic housing within
 74 this state to be in compliance with the Americans with
 75 Disabilities Act of 1990, as amended, 42 U.S.C. ss. 12101 et

76 seq., and the Fair Housing Amendments Act of 1988. Costs of
 77 implementing the study shall be paid by the department from
 78 funds appropriated for this purpose.

79 (b) The advisory council shall also conduct a review of
 80 statewide zoning codes to determine what effect, if any, local
 81 laws have on the ability of private sector licensed service
 82 providers to provide modern, evidence-based, effective treatment
 83 and ancillary therapeutic housing to persons in this state.

84 (c) By June 1, 2027, the department, in conjunction with
 85 the Agency for Health Care Administration, shall provide a
 86 preliminary report based upon the findings and recommendations
 87 of the advisory council to the Governor, the President of the
 88 Senate, and the Speaker of the House of Representatives.

89 (d) By September 1, 2027, the advisory council shall
 90 provide a final report based upon the findings and
 91 recommendations of the advisory council to the Governor, the
 92 President of the Senate, and the Speaker of the House of
 93 Representatives.

94 (7) This section is repealed September 1, 2027, unless
 95 reviewed and saved from repeal by the Legislature.

96 Section 2. Section 397.305, Florida Statutes, is amended
 97 to read:

98 397.305 Legislative findings, intent, and purpose.—

99 (1)(a) Addiction ~~Substance abuse~~ is a major health problem
 100 that affects multiple service systems and leads to such

101 | profoundly disturbing consequences as serious impairment,
102 | chronic addiction, criminal behavior, vehicular casualties,
103 | spiraling health care costs, AIDS, and business losses, and
104 | significantly affects the culture, socialization, and learning
105 | ability of children within our schools and educational systems.
106 | Addiction ~~Substance abuse impairment~~ is a disease which affects
107 | the whole family and the whole society and requires a system of
108 | care that includes prevention, intervention, clinical treatment,
109 | and recovery support services, including recovery residences,
110 | that support and strengthen the family unit. Further, it is the
111 | intent of the Legislature to require the collaboration of state
112 | agencies, service systems, and program offices to achieve the
113 | goals of this chapter and address the needs of the public; to
114 | establish a comprehensive system of care for substance use
115 | disorder ~~abuse~~; and to reduce duplicative requirements across
116 | state agencies. This chapter is designed to provide for public
117 | and private substance use disorder treatment ~~abuse~~ services.

118 | (b) The Legislature finds that addiction treatment
119 | services are a fully integrated part of the private and public
120 | health care system. Further, the Legislature finds that service
121 | providers licensed under this chapter and community housing
122 | certified under this chapter are deemed a necessary part of the
123 | private and public health care system. The Legislature intends
124 | to identify and remove barriers that prevent coordinated health
125 | care between medical and clinical providers to persons with

126 | substance use disorders.

127 | (2) It is the goal of the Legislature to educate the
 128 | public about the negative consequences of ~~discourage~~ substance
 129 | use disorders ~~abuse~~ by promoting healthy lifestyles; healthy
 130 | families; and drug-free schools, workplaces, and communities.

131 | (3) It is the purpose of this chapter to provide for a
 132 | comprehensive continuum of accessible and quality addiction
 133 | ~~substance abuse~~ prevention, intervention, clinical treatment,
 134 | and recovery support services in the least restrictive
 135 | environment which promotes long-term recovery while protecting
 136 | and respecting the rights of individuals, ~~primarily~~ through for-
 137 | profit providers and community-based ~~private~~ not-for-profit
 138 | providers working with local governmental programs involving a
 139 | wide range of agencies from both the public and private sectors.

140 | (4) It is the intent of the Legislature that licensed,
 141 | qualified health professionals be authorized to practice to the
 142 | full extent of their education and training in the performance
 143 | of professional functions necessary to carry out the intent of
 144 | this chapter.

145 | (5) It is the intent of the Legislature to establish
 146 | expectations that services provided to persons in this state use
 147 | national best practice standards and the coordination-of-care
 148 | principles characteristic of recovery-oriented services and
 149 | include social support services, such as housing support, life
 150 | skills and vocational training, and employment assistance

151 necessary for persons who have substance use disorders or co-
152 occurring substance use and mental health disorders to live
153 successfully in their communities.

154 (6) It is the intent of the Legislature to ensure within
155 available resources a full system of care for substance use
156 disorder treatment ~~abuse~~ services based on identified needs,
157 delivered without discrimination and with adequate provision for
158 specialized needs.

159 (7) It is the intent of the Legislature to establish
160 services for persons who have ~~individuals with~~ co-occurring
161 substance use ~~abuse~~ and mental health disorders.

162 (8) It is the intent of the Legislature to provide an
163 alternative to criminal imprisonment for substance ~~abuse~~
164 impaired adults and juvenile offenders by encouraging the
165 referral of such offenders to service providers not generally
166 available within the juvenile justice and correctional systems,
167 instead of or in addition to criminal penalties.

168 (9) It is the intent of the Legislature to provide, within
169 the limits of appropriations and safe management of the juvenile
170 justice and correctional systems, addiction treatment ~~substance~~
171 ~~abuse~~ services to substance ~~abuse~~ impaired offenders who are
172 placed by the Department of Juvenile Justice or who are
173 incarcerated within the Department of Corrections, in order to
174 better enable these offenders or inmates to adjust to the
175 conditions of society presented to them when their terms of

176 placement or incarceration end.

177 (10) It is the intent of the Legislature to provide for
 178 assisting substance ~~abuse~~ impaired persons primarily through
 179 health and other rehabilitative services in order to relieve the
 180 police, courts, correctional institutions, and other criminal
 181 justice agencies of a burden that interferes with their ability
 182 to protect people, apprehend offenders, and maintain safe and
 183 orderly communities.

184 (11) It is the intent of the Legislature that the freedom
 185 of religion of all citizens shall be inviolate. ~~Nothing in~~ This
 186 act does not shall give any governmental entity jurisdiction to
 187 regulate religious, spiritual, or ecclesiastical services.

188 Section 3. Subsection (1) of section 397.487, Florida
 189 Statutes, is amended, and subsections (13) and (14) are added to
 190 that section, to read:

191 397.487 Voluntary certification of recovery residences.—

192 (1) The Legislature finds that a person suffering from
 193 addiction has a higher success rate of achieving long-lasting
 194 sobriety when given the opportunity to build a stronger
 195 foundation by living in a recovery residence while receiving
 196 treatment or after completing treatment. The Legislature further
 197 finds that this state and its subdivisions have a legitimate
 198 state interest in protecting these persons, who represent a
 199 vulnerable consumer population in need of adequate housing,
 200 through the certification of recovery residences that meet

HB 1583

2024

201 national best practice standards. It is the intent of the
202 Legislature to protect persons who reside in a recovery
203 residence.

204 (13) A recovery residence classified by the credentialing
205 entity as a Level IV residence shall be governed by s.
206 397.501(7) regarding the right to confidentiality of individual
207 records.

208 (14) A local law, ordinance, or regulation may not
209 regulate the duration or frequency of resident stay in a
210 certified recovery residence in areas where multifamily uses are
211 allowed. This subsection does not apply to any local law,
212 ordinance, or regulation adopted on or before January 1, 2024.

213 Section 4. This act shall take effect July 1, 2024.