

By Senator Gruters

22-01411-24

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

28
29 Section 1. Section 397.342, Florida Statutes, is created to

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30 read:

31 397.342 Substance Use Disorder Housing Advisory Council.-

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

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

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

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

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

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

50 (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 Recovery

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59 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 pursuant to s.
69 112.061.

70 (6) (a) The University of South Florida College of Public
71 Health shall assist the advisory council in conducting a study
72 to evaluate the national best practice standards from the
73 Substance Abuse and Mental Health Services Administration, with
74 the goal of removing obstacles to therapeutic housing within
75 this state to be in compliance with the Americans with
76 Disabilities Act of 1990, as amended, 42 U.S.C. ss. 12101 et
77 seq., and the Fair Housing Amendments Act of 1988. Costs of
78 implementing the study shall be paid by the department from
79 funds appropriated for this purpose.

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

85 (c) By June 1, 2027, the department, in conjunction with
86 the Agency for Health Care Administration, shall provide a
87 preliminary report based upon the findings and recommendations

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88 of the advisory council to the Governor, the President of the
89 Senate, and the Speaker of the House of Representatives.

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

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

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

99 397.305 Legislative findings, intent, and purpose.—

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

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117 state agencies. This chapter is designed to provide for public
118 and private substance use disorder treatment ~~abuse~~ services.

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

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

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

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

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146 (5) It is the intent of the Legislature to establish
147 expectations that services provided to persons in this state use
148 national best practice standards and the coordination-of-care
149 principles characteristic of recovery-oriented services and
150 include social support services, such as housing support, life
151 skills and vocational training, and employment assistance
152 necessary for persons who have substance use disorders or co-
153 occurring substance use and mental health disorders to live
154 successfully in their communities.

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

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

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

169 (9) It is the intent of the Legislature to provide, within
170 the limits of appropriations and safe management of the juvenile
171 justice and correctional systems, addiction treatment ~~substance~~
172 ~~abuse~~ services to substance ~~abuse~~ impaired offenders who are
173 placed by the Department of Juvenile Justice or who are
174 incarcerated within the Department of Corrections, in order to

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175 better enable these offenders or inmates to adjust to the
176 conditions of society presented to them when their terms of
177 placement or incarceration end.

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

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

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

192 397.487 Voluntary certification of recovery residences.—

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

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204 residence.

205 (13) A recovery residence that meets the criteria of day or
206 night treatment with community housing as defined in s.
207 397.311(26)(a)3. is governed by s. 397.501(7) regarding the
208 confidentiality of individual records of residents.

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

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