

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

586-02418-24

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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 the following
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 and a representative of the
51 Florida Association of Managing Entities, appointed by the
52 President of the Senate.

53 (c) A member of the House of Representatives and a
54 representative of the Florida Association of Managing Entities,
55 appointed by the Speaker of the House of Representatives.

56 (d) A representative from the department, appointed by the
57 Governor.

58 (e) A representative from the Agency for Health Care

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59 Administration, appointed by the Governor.

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

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

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

68 (5) Members of the advisory council shall serve without
69 compensation, but shall be entitled to necessary expenses
70 incurred in the discharge of their duties pursuant to s.
71 112.061.

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

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

87 (c) By June 1, 2027, the department, in conjunction with

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88 the Agency for Health Care Administration, shall provide a
89 preliminary report based upon the findings and recommendations
90 of the advisory council to the Governor, the President of the
91 Senate, and the Speaker of the House of Representatives.

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

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

99 Section 2. Section 397.305, Florida Statutes, is amended to
100 read:

101 397.305 Legislative findings, intent, and purpose.—

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

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117 establish a comprehensive system of care for substance use
118 disorder ~~abuse~~; and to reduce duplicative requirements across
119 state agencies. This chapter is designed to provide for public
120 and private substance use disorder treatment ~~abuse~~ services.

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

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

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

143 (4) It is the intent of the Legislature that licensed,
144 qualified health professionals be authorized to practice to the
145 full extent of their education and training in the performance

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146 of professional functions necessary to carry out the intent of
147 this chapter.

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

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

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

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

171 (9) It is the intent of the Legislature to provide, within
172 the limits of appropriations and safe management of the juvenile
173 justice and correctional systems, addiction treatment ~~substance~~
174 ~~abuse~~ services to substance ~~abuse~~ impaired offenders who are

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175 placed by the Department of Juvenile Justice or who are
176 incarcerated within the Department of Corrections, in order to
177 better enable these offenders or inmates to adjust to the
178 conditions of society presented to them when their terms of
179 placement or incarceration end.

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

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

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

194 397.487 Voluntary certification of recovery residences.—

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

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204 national best practice standards. It is the intent of the
205 Legislature to protect persons who reside in a recovery
206 residence.

207 (13) A recovery residence that meets the criteria of day or
208 night treatment with community housing as defined in s.
209 397.311(26)(a)3. is governed by s. 397.501(7) regarding the
210 confidentiality of individual records of residents.

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

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