

By Senator Gruters

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1 A bill to be entitled
2 An act relating to recovery residences; amending s.
3 397.403, F.S.; revising requirements for applicants
4 for certified recovery residence licenses; amending s.
5 397.407, F.S.; providing that interim licenses may be
6 issued by the Department of Children and Families to a
7 new owner of a recovery residence; revising the
8 definition of the term "transfer"; requiring the
9 department to issue an interim license within a
10 specified timeframe; providing that the department has
11 a specified timeframe after receiving an application
12 to review it for completeness; prohibiting the
13 department from issuing an interim license when doing
14 so would place the health, safety, or welfare of
15 individuals at risk; prohibiting the expiration of an
16 interim license; requiring that an interim license be
17 converted to a regular license with a specified
18 timeframe; authorizing the department to issue a
19 probationary license to an existing licensed service
20 provider if the department makes specified findings;
21 providing applicability; providing that a probationary
22 license, rather than an interim license, expires 90
23 days after it is issued; amending s. 397.415, F.S.;
24 revising conditions under which the department may
25 deny, suspend, or revoke the license of a service
26 provider or the operation of any service component or
27 location identified on the license; amending s.
28 397.487, F.S.; requiring that Level IV certified
29 recovery residence providers undergo a recertification

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30 audit at a certain interval, subject to annual dues
31 payments being made; providing that only the
32 department may suspend or revoke a Level IV certified
33 recovery residence provider's license; deleting a
34 requirement that a certified recovery residence must
35 immediately remove a person who is arrested for or
36 convicted of a certain criminal offense; providing
37 that a recovery residence is deemed a nontransient
38 residential use of land for a specified purpose;
39 prohibiting a local law, ordinance, or regulation from
40 prohibiting or regulating a recovery residence in a
41 multifamily structure; requiring a county or a
42 municipality to allow certain certified recovery
43 residences in specific zoned districts, without the
44 need to obtain changes in certain zoning or land use;
45 providing that certified recovery residences in
46 multifamily structures are administratively approved
47 and no further action by the governing body of the
48 municipality or county is required under certain
49 circumstances; authorizing a municipality or a county
50 to deny the establishment of a certified Level IV
51 recovery residence if the proposed use is adjacent to,
52 or on two or more sides of, a parcel zoned for a
53 specified use and within a certain single-family
54 residential development; defining the term "adjacent
55 to"; requiring that a municipality or a county reduce
56 any local parking requirements for a proposed
57 certified recovery residence by a specified percentage
58 under certain circumstances; providing applicability;

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59 providing that certified recovery residences that
60 provide housing to patients must maintain such
61 patients' confidential records; amending s. 397.4871,
62 F.S.; providing that the personnel-to-resident ratio
63 for a certified recovery residence must be met only
64 when the residents are at the residence; providing
65 that a certified recovery residence administrator for
66 Level IV certified recovery residences which maintains
67 a specified personnel-to-patient ratio has no
68 limitation on the number of residents it may manage;
69 amending s. 397.501, F.S.; prohibiting an agency or a
70 division from transmitting certain records to any
71 other agency, division, or third party; providing an
72 exception; revising liability for licensed service
73 providers; amending s. 509.032, F.S.; providing
74 construction; creating the Substance Abuse and
75 Recovery Residence Efficiency Committee within the
76 Department of Children and Families; requiring the
77 department to provide the committee with
78 administrative and staff support services; providing
79 the purpose of the committee; providing the membership
80 of the committee; requiring that appointments to the
81 committee be made by a specified date; providing that
82 each member serves at the pleasure of the person or
83 body that appointed the member; requiring the
84 committee to select a chair; requiring the committee
85 to convene by a specified date and to meet monthly or
86 upon the call of the chair; providing the duties of
87 the committee; requiring the committee to submit a

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88 report to the Governor and the Legislature by a
89 specified date; providing for future legislative
90 review and repeal; reenacting s. 397.4104(2), F.S.,
91 relating to record of recovery residences used by
92 service providers, to incorporate the amendment made
93 to s. 397.415, F.S., in a reference thereto;
94 reenacting s. 397.4873(1) and (7), F.S., relating to
95 referrals to or from recovery residences,
96 prohibitions, and penalties, to incorporate the
97 amendments made to ss. 397.415, 397.487, and 397.4871,
98 F.S., in references thereto; reenacting ss.
99 397.47891(12)(c), 394.47892(8)(c), 395.3025(3),
100 397.334(10)(c), 397.752, and 400.494(1), F.S.,
101 relating to veterans treatment court programs; mental
102 health court programs; patient and personnel records,
103 copies, examination; treatment-based drug court
104 programs; scope of part; and information about
105 patients confidential, respectively, to incorporate
106 the amendment made to s. 397.501, F.S., in references
107 thereto; providing an effective date.

108
109 Be It Enacted by the Legislature of the State of Florida:

110
111 Section 1. Paragraph (f) of subsection (1) of section
112 397.403, Florida Statutes, is amended to read:

113 397.403 License application.—

114 (1) Applicants for a license under this chapter must apply
115 to the department on forms provided by the department and in
116 accordance with rules adopted by the department. Applications

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117 must include at a minimum:

118 (f) Proof of satisfactory fire, safety, and health
119 inspections, ~~and compliance with local zoning ordinances.~~
120 ~~Service providers operating under a regular annual license shall~~
121 ~~have 18 months from the expiration date of their regular license~~
122 ~~within which to meet local zoning requirements. Applicants for a~~
123 ~~new license must demonstrate proof of compliance with zoning~~
124 ~~requirements prior to the department issuing a probationary~~
125 ~~license.~~

126 Section 2. Subsections (6), (7), and (9) of section
127 397.407, Florida Statutes, are amended to read:

128 397.407 Licensure process; fees.—

129 (6) The department may issue probationary, regular, and
130 interim licenses. The department may issue one license for all
131 service components operated by a service provider and defined
132 pursuant to s. 397.311(27). The license is valid only for the
133 specific service components listed for each specific location
134 identified on the license. The licensed service provider shall
135 apply for the addition of any service components and obtain
136 approval before initiating additional services. The licensed
137 service provider must notify the department and provide any
138 required documentation at least 30 days before the relocation of
139 any of its service sites. Provision of service components or
140 delivery of services at a location not identified on the license
141 may be considered an unlicensed operation that authorizes the
142 department to seek an injunction against operation as provided
143 in s. 397.401, in addition to other sanctions authorized by s.
144 397.415. Probationary, interim, and regular licenses may be
145 issued only after all required information has been submitted. A

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146 license may ~~not~~ be transferred to a new owner consistent with
147 the procedures set forth in s. 408.807. As used in this
148 subsection, the term "transfer" means: includes, but is not
149 limited to, the transfer of a majority of the ownership interest
150 in the licensed entity or transfer of responsibilities under the
151 license to another entity by contractual arrangement.

152 (a) An event in which a privately held licensee sells or
153 otherwise transfers its ownership to a different individual or
154 entity, as evidenced by a change in federal employer
155 identification number or taxpayer identification number; or

156 (b) An event in which 51 percent or more of the ownership,
157 shares, membership, or controlling interest of a licensee is in
158 any manner transferred or otherwise assigned. A change solely in
159 the management company or board of directors is not a change of
160 ownership.

161 (7) Upon receipt of a complete application, payment of
162 applicable fees, and a demonstration of substantial compliance
163 with all applicable statutory and regulatory requirements, the
164 department may issue a probationary license to a new service
165 provider applicant with services that are not yet fully
166 operational. The department shall ~~may not~~ issue an interim
167 license within 30 calendar days after receipt of a complete
168 application from an existing licensed service provider seeking
169 to add services or one or more additional levels of care at an
170 existing licensed location or at a new location. The department
171 has 15 calendar days after receiving an application to review it
172 for completeness. The department may not issue a probationary or
173 an interim license when doing so would place the health, safety,
174 or welfare of individuals at risk. A probationary license

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175 expires 90 days after issuance and may not be reissued. An
 176 interim license issued pursuant to this part may not expire and
 177 must be converted to a regular license within 80 days after
 178 issuance. During the ~~probationary~~ period of time a licensee is
 179 providing services under a probationary license, the department
 180 shall monitor the delivery of services. Notwithstanding s.
 181 120.60(5), the department may order a probationary licensee to
 182 cease and desist operations at any time it is found to be
 183 substantially out of compliance with licensure standards. This
 184 cease-and-desist order is exempt from the requirements of s.
 185 120.60(6).

186 (9) The department may issue a probationary ~~an interim~~
 187 license to an existing licensed a service provider for a period
 188 established by the department which does not exceed 90 days if
 189 the department finds that:

190 (a) A service component of the provider is in substantial
 191 noncompliance with licensure standards;

192 (b) The service provider has failed to provide satisfactory
 193 proof of conformance to fire, safety, or health requirements; or

194 (c) The service provider is involved in license suspension
 195 or revocation proceedings.

196
 197 A probationary ~~An interim~~ license applies only to the licensable
 198 service component of the provider's services which is in
 199 substantial noncompliance with statutory or regulatory
 200 requirements. A probationary ~~An interim~~ license expires 90 days
 201 after it is issued; however, it may be reissued once for an
 202 additional 90-day period in a case of extreme hardship in which
 203 the noncompliance is not attributable to the licensed service

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204 provider. If the service provider is appealing the final
205 disposition of license suspension or revocation proceedings, the
206 court before which the appeal is taken may order the extension
207 of the probationary ~~interim~~ license for a period specified in
208 the order.

209 Section 3. Paragraph (d) of subsection (1) of section
210 397.415, Florida Statutes, is amended to read:

211 397.415 Denial, suspension, and revocation; other
212 remedies.—

213 (1) If the department determines that an applicant or
214 licensed service provider or licensed service component thereof
215 is not in compliance with all statutory and regulatory
216 requirements, the department may deny, suspend, revoke, or
217 impose reasonable restrictions or penalties on the license or
218 any portion of the license. In such case:

219 (d) The department may deny, suspend, or revoke the license
220 of a service provider or may suspend or revoke the license as to
221 the operation of any service component or location identified on
222 the license for:

223 1. False representation of a material fact in the license
224 application or omission of any material fact from the
225 application.

226 2. An intentional or negligent act materially affecting the
227 health or safety of an individual receiving services from the
228 provider.

229 3. A violation of this chapter or applicable rules.

230 4. A demonstrated pattern of deficient performance.

231 5. Failure to timely notify the department of ~~immediately~~
232 ~~remove~~ service provider personnel subject to background

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233 screening pursuant to s. 397.4073 who no longer meet the Level 2
234 screening standards set forth in s. 435.04 ~~are arrested or found~~
235 ~~guilty of, regardless of adjudication, or have entered a plea of~~
236 ~~nolo contendere or guilty to any offense prohibited under the~~
237 ~~screening standard and notify the department~~ within 2 days after
238 an event or circumstance that causes such personnel to fail to
239 meet such standards ~~such removal~~, excluding weekends and
240 holidays.

241 Section 4. Subsection (7) and paragraphs (a) and (d) of
242 subsection (8) of section 397.487, Florida Statutes, are
243 amended, and subsections (15) and (16) are added to that
244 section, to read:

245 397.487 Voluntary certification of recovery residences.—

246 (7) A credentialing entity shall issue a certificate of
247 compliance upon approval of the recovery residence's application
248 and inspection. The certification shall automatically terminate
249 1 year after issuance if not renewed. A Level IV certified
250 recovery residence provider must undergo a recertification audit
251 once every 3 years, subject to annual dues to the Florida
252 Association of Recovery Residences.

253 (8) Onsite followup monitoring of a certified recovery
254 residence may be conducted by the credentialing entity to
255 determine continuing compliance with certification requirements.
256 The credentialing entity shall inspect each certified recovery
257 residence at least annually to ensure compliance.

258 (a) A credentialing entity may suspend or revoke a
259 certification if the recovery residence is not in compliance
260 with ~~any provision of~~ this section or has failed to remedy any
261 deficiency identified by the credentialing entity within the

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262 time period specified, except for a Level IV certified recovery
263 residence provider, for which only the department is authorized
264 to suspend or revoke a certification following the licensure
265 procedures pursuant to chapter 120.

266 (d) If any owner, director, or chief financial officer of a
267 certified recovery residence is arrested and awaiting
268 disposition for or found guilty of, or enters a plea of guilty
269 or nolo contendere to, regardless of whether adjudication is
270 withheld, any offense listed in s. 435.04(2) while acting in
271 that capacity, the certified recovery residence must ~~immediately~~
272 ~~remove the person from that position and~~ notify the
273 credentialing entity within 3 business days after such event or
274 circumstance removal. The credentialing entity must revoke the
275 certificate of compliance of a certified recovery residence that
276 fails to meet these requirements.

277 (15) (a) A certified recovery residence is deemed a
278 nontransient residential use of land for purposes of all local
279 zoning ordinances. A local law, ordinance, or regulation may not
280 prohibit certified recovery residences or regulate the duration
281 or frequency of use of a certified recovery residence in a
282 multifamily structure.

283 (b) Notwithstanding any other law or local ordinance or
284 regulation to the contrary, a municipality or county must allow
285 the establishment of a certified recovery residence in all
286 districts zoned multifamily residential as an allowable use and
287 must allow a structure originally constructed and permitted for
288 multifamily purposes to be used as a certified recovery
289 residence, allowing up to two residents per bedroom, without the
290 need to obtain a zoning or a land use change, a special

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291 exception, a conditional use approval, a variance, or a
292 comprehensive plan amendment for the zoning and densities
293 authorized under this subsection.

294 (c) All certified recovery residences in multifamily
295 structures are administratively approved and no further action
296 by the governing body of the municipality or county is required
297 if the use satisfies this section.

298 (d) A municipality or a county may deny the establishment
299 of a Level IV certified recovery residence if the proposed use
300 is adjacent to, or on two or more sides of, a parcel zoned for
301 single-family residential use and is within a single-family
302 residential development with at least 25 contiguous single-
303 family homes. For the purposes of this paragraph, the term
304 "adjacent to" means those properties sharing more than one point
305 of a property line, but the term does not include properties
306 separated by a public road.

307 (e) A municipality or a county must reduce any local
308 parking requirements for a proposed certified recovery residence
309 by 50 percent if the property is located within one-quarter mile
310 of a transit stop and the transit stop is accessible from the
311 residence.

312 (f) This section does not apply to any certified recovery
313 residence provider that was not voluntarily certified by the
314 certifying entity in s. 397.487 on or before July 1, 2025.

315 (16) Certified recovery residences that provide housing to
316 patients undergoing treatment must comply with and be subject to
317 s. 397.501(7) regarding confidential information pertaining to
318 such patients.

319 Section 5. Paragraph (c) of subsection (8) of section

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320 397.4871, Florida Statutes, is amended to read:

321 397.4871 Recovery residence administrator certification.—
322 (8)

323 (c) Notwithstanding paragraph (b), a Level IV certified
324 recovery residence operating as community housing as defined in
325 s. 397.311(9), which residence is actively managed by a
326 certified recovery residence administrator approved for 100
327 residents under this section and is wholly owned or controlled
328 by a licensed service provider, may actively manage up to 150
329 residents so long as the licensed service provider maintains a
330 service provider personnel-to-patient ratio of 1 to 8 and
331 maintains onsite supervision at the residence 24 hours a day, 7
332 days a week, during times when residents are at the residence
333 and with a personnel-to-resident ratio of 1 to 10. A certified
334 recovery residence administrator for Level IV certified recovery
335 residences which maintains a personnel-to-resident ratio of 1 to
336 6, pursuant to this section, has no limitation on the number of
337 residents it may manage. A certified recovery residence
338 administrator who has been removed by a certified recovery
339 residence due to termination, resignation, or any other reason
340 may not continue to actively manage more than 50 residents for
341 another service provider or certified recovery residence without
342 being approved by the credentialing entity.

343 Section 6. Paragraph (a) of subsection (7) and subsection
344 (10) of section 397.501, Florida Statutes, are amended to read:

345 397.501 Rights of individuals.—Individuals receiving
346 substance abuse services from any service provider are
347 guaranteed protection of the rights specified in this section,
348 unless otherwise expressly provided, and service providers must

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349 ensure the protection of such rights.

350 (7) RIGHT TO CONFIDENTIALITY OF INDIVIDUAL RECORDS.—

351 (a) The records of service providers which pertain to the
352 identity, diagnosis, and prognosis of and service provision to
353 any individual are confidential in accordance with this chapter
354 and with applicable federal confidentiality regulations and are
355 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
356 Constitution. Such records may not be disclosed without the
357 written consent of the individual to whom they pertain except
358 that appropriate disclosure may be made without such consent:

359 1. To medical personnel in a medical emergency.

360 2. To service provider personnel if such personnel need to
361 know the information in order to carry out duties relating to
362 the provision of services to an individual.

363 3. To the secretary of the department or the secretary's
364 designee, for purposes of scientific research, in accordance
365 with federal confidentiality regulations, but only upon
366 agreement in writing that the individual's name and other
367 identifying information will not be disclosed.

368 4. In the course of review of service provider records by
369 persons who are performing an audit or evaluation on behalf of
370 any federal, state, or local government agency, or third-party
371 payor providing financial assistance or reimbursement to the
372 service provider; however, reports produced as a result of such
373 audit or evaluation may not disclose names or other identifying
374 information and must be in accordance with federal
375 confidentiality regulations. When an agency or a division of the
376 state comes into possession of such records under its regulatory
377 authority, such records may not be transmitted to any other

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378 government agency or third party for any purpose except for the
379 purpose of the agency or division collecting such records.

380 5. Upon court order based on application showing good cause
381 for disclosure. In determining whether there is good cause for
382 disclosure, the court shall examine whether the public interest
383 and the need for disclosure outweigh the potential injury to the
384 individual, to the service provider and the individual, and to
385 the service provider itself.

386 (10) LIABILITY AND IMMUNITY.—

387 (a) A licensed service provider or a service provider
388 personnel who violate or abuse any right or privilege of an
389 individual under this chapter are liable for damages as
390 determined by law.

391 (b) All persons acting in good faith, reasonably, and
392 without negligence in connection with the preparation or
393 execution of petitions, applications, certificates, or other
394 documents or the apprehension, detention, discharge,
395 examination, transportation, or treatment of a person under the
396 provisions of this chapter shall be free from all liability,
397 civil or criminal, by reason of such acts, except for the
398 illegal use or disclosure of trade secrets as defined in s.
399 812.081 and chapter 688.

400 Section 7. Paragraph (d) is added to subsection (7) of
401 section 509.032, Florida Statutes, to read:

402 509.032 Duties.—

403 (7) PREEMPTION AUTHORITY.—

404 (d) This chapter may not be construed to authorize the
405 department to regulate certified recovery residences pursuant to
406 ss. 397.311 and 397.487. A recovery residence is deemed a

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407 nontransient residential use of land for purposes of all local
408 zoning ordinances.

409 Section 8. Substance Abuse and Recovery Residence
410 Efficiency Committee.—

411 (1) CREATION.—The Substance Abuse and Recovery Residence
412 Efficiency Committee, a committee as defined in s. 20.03(5),
413 Florida Statutes, is created within the Department of Children
414 and Families. The department shall provide administrative and
415 staff support services relating to the functions of the
416 committee.

417 (2) PURPOSE.—The purpose of the committee is to quickly
418 identify and remedy issues related to the treatment,
419 reimbursement, certification, and licensure of substance abuse
420 treatment facilities licensed under chapter 397, Florida
421 Statutes, and operating in this state.

422 (3) MEMBERSHIP; MEETINGS.—

423 (a) The committee is composed of the following members:

424 1. A member of the Senate, appointed by the President of
425 the Senate.

426 2. A member of the House of Representatives, appointed by
427 the Speaker of the House of Representatives.

428 3. A member appointed by the secretary of the Department of
429 Children and Families.

430 4. A member appointed by the secretary of the Agency for
431 Health Care Administration.

432 5. The deputy secretary of the Agency for Health Care
433 Administration or other member of the agency tasked with
434 oversight of the Division of Medicaid, or his or her designee.

435 6. A member appointed by the Commissioner of Insurance

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436 Regulation.

437 7. A representative of a Level IV certified recovery
438 residence, as defined in s. 397.311, Florida Statutes, appointed
439 by the Secretary of the Agency for Health Care Administration.

440 8. The President of the Florida Association of Recovery
441 Residences, upon approval by the association board.

442 (b) Appointments to the committee must be made by August 1,
443 2025. Each member serves at the pleasure of the official or body
444 that appointed the member. A vacancy on the committee must be
445 filled in the same manner as the original appointment.

446 (c) The committee shall select a member as chair at its
447 first meeting.

448 (d) The committee shall convene no later than August 15,
449 2025. The committee shall meet monthly or upon the call of the
450 chair. The committee may hold its meetings through
451 teleconference or other electronic means.

452 (4) DUTIES.—The duties of the committee include all of the
453 following:

454 (a) Analyzing the current regulatory framework to determine
455 areas of inefficiency.

456 (b) Identifying issues that impede the effective treatment
457 of individuals who have a substance use disorder.

458 (c) Assessing the relationship between substance abuse
459 treatment providers and public and private payors.

460 (d) Assessing the comprehensiveness and effectiveness of
461 existing policies and procedures for oversight of licensed
462 substance abuse treatment providers.

463 (e) Evaluating the state's approaches to agency
464 jurisdiction over substance abuse treatment and its

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465 reimbursement, and specifically whether it is appropriate for
466 the Department of Children and Families to maintain jurisdiction
467 over substance abuse programs or treatment and recovery
468 residence providers.

469 (f) Determining actions that can be taken under the
470 respective agencies' existing rulemaking authority to alleviate
471 any issues that the committee has identified.

472 (g) Determining legislative action that must be taken to
473 alleviate issues that the committee has identified for which the
474 respective agencies do not have the necessary rulemaking
475 authority.

476 (h) Determining legislative action that would transfer
477 licensure and regulation of substance abuse treatment to the
478 Agency for Health Care Administration.

479 (5) REPORT.—By October 1, 2025, the committee shall submit
480 to the Governor, the President of the Senate, and the Speaker of
481 the House of Representatives a report that compiles the findings
482 and recommendations of the committee.

483 (6) REPEAL.—This section is repealed December 31, 2025,
484 unless reviewed and saved from repeal through reenactment by the
485 Legislature.

486 Section 9. For the purpose of incorporating the amendment
487 made by this act to section 397.415, Florida Statutes, in a
488 reference thereto, subsection (2) of section 397.4104, Florida
489 Statutes, is reenacted to read:

490 397.4104 Record of recovery residences used by service
491 providers.—

492 (2) Beginning July 1, 2022, a licensed service provider
493 that violates this section is subject to an administrative fine

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494 of \$1,000 per occurrence. The department may suspend or revoke a
495 service provider's license pursuant to s. 397.415 for repeat
496 violations of this section.

497 Section 10. For the purpose of incorporating the amendments
498 made by this act to sections 397.415, 397.487, and 397.4871,
499 Florida Statutes, in references thereto, subsections (1) and (7)
500 of section 397.4873, Florida Statutes, are reenacted to read:

501 397.4873 Referrals to or from recovery residences;
502 prohibitions; penalties.—

503 (1) A service provider licensed under this part may not
504 make a referral of a prospective, current, or discharged patient
505 to, or accept a referral of such a patient from, a recovery
506 residence unless the recovery residence holds a valid
507 certificate of compliance as provided in s. 397.487 and is
508 actively managed by a certified recovery residence administrator
509 as provided in s. 397.4871.

510 (7) A licensed service provider that violates this section
511 is subject to an administrative fine of \$1,000 per occurrence.
512 If such fine is imposed by final order of the department and is
513 not subject to further appeal, the service provider shall pay
514 the fine plus interest at the rate specified in s. 55.03 for
515 each day beyond the date set by the department for payment of
516 the fine. If the service provider does not pay the fine plus any
517 applicable interest within 60 days after the date set by the
518 department, the department shall immediately suspend the service
519 provider's license. Repeat violations of this section may
520 subject a provider to license suspension or revocation pursuant
521 to s. 397.415. The department shall establish a mechanism no
522 later than January 1, 2024, for the imposition and collection of

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523 fines for violations under this section.

524 Section 11. For the purpose of incorporating the amendment
525 made by this act to section 397.501, Florida Statutes, in a
526 reference thereto, paragraph (c) of subsection (12) of section
527 394.47891, Florida Statutes, is reenacted to read:

528 394.47891 Veterans treatment court programs.—

529 (12) PUBLIC RECORDS EXEMPTION.—

530 (c) If such confidential and exempt information is a
531 substance abuse record of a service provider that pertains to
532 the identity, diagnosis, or prognosis of or provision of
533 services to a person, such information may be disclosed pursuant
534 to s. 397.501(7).

535 Section 12. For the purpose of incorporating the amendment
536 made by this act to section 397.501, Florida Statutes, in a
537 reference thereto, paragraph (c) of subsection (8) of section
538 394.47892, Florida Statutes, is reenacted to read:

539 394.47892 Mental health court programs.—

540 (8)

541 (c) If such confidential and exempt information is a
542 substance abuse record of a service provider that pertains to
543 the identity, diagnosis, and prognosis of or provision of
544 services to a person, such information may be disclosed pursuant
545 to s. 397.501(7).

546 Section 13. For the purpose of incorporating the amendment
547 made by this act to section 397.501, Florida Statutes, in a
548 reference thereto, subsection (3) of section 395.3025, Florida
549 Statutes, is reenacted to read:

550 395.3025 Patient and personnel records; copies;
551 examination.—

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552 (3) This section does not apply to records of substance
553 abuse impaired persons, which are governed by s. 397.501.

554 Section 14. For the purpose of incorporating the amendment
555 made by this act to section 397.501, Florida Statutes, in a
556 reference thereto, paragraph (c) of subsection (10) of section
557 397.334, Florida Statutes, is reenacted to read:

558 397.334 Treatment-based drug court programs.—

559 (10)

560 (c) Records of a service provider which pertain to the
561 identity, diagnosis, and prognosis of or provision of service to
562 any person shall be disclosed pursuant to s. 397.501(7).

563 Section 15. For the purpose of incorporating the amendment
564 made by this act to section 397.501, Florida Statutes, in a
565 reference thereto, section 397.752, Florida Statutes, is
566 reenacted to read:

567 397.752 Scope of part.—An inmate's substance abuse service
568 records are confidential in accordance with s. 397.501(7). No
569 other provision of parts I-VII of this chapter applies to
570 inmates except as indicated by the context or specified.

571 Section 16. For the purpose of incorporating the amendment
572 made by this act to section 397.501, Florida Statutes, in a
573 reference thereto, subsection (1) of section 400.494, Florida
574 Statutes, is reenacted to read:

575 400.494 Information about patients confidential.—

576 (1) Information about patients received by persons employed
577 by, or providing services to, a home health agency or received
578 by the licensing agency through reports or inspection shall be
579 confidential and exempt from the provisions of s. 119.07(1) and
580 shall only be disclosed to any person, other than the patient,

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581 as permitted under the provisions of 45 C.F.R. ss. 160.102,
582 160.103, and 164, subpart A, commonly referred to as the HIPAA
583 Privacy Regulation; except that clinical records described in
584 ss. 381.004, 384.29, 385.202, 392.65, 394.4615, 395.404,
585 397.501, and 760.40 shall be disclosed as authorized in those
586 sections.

587 Section 17. This act shall take effect July 1, 2025.