

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

CS/CS/HB 807 — Practices of Substance Abuse Service Providers

by Health and Human Services Committee; Children, Families and Seniors Subcommittee; and Reps. Hager, Harrell, and others (CS/CS/SB 788 by Appropriations Committee; Criminal Justice Committee; and Senator Clemens)

The bill takes a comprehensive approach to the problem of fraudulent patient brokering and deceptive marketing practices in the business of substance use addiction services, particularly related to the economic relationship between service providers and “recovery residences.”

The bill requires entities providing substance abuse marketing services to be licensed by the Department of Agriculture and Consumer Services under the Florida Telemarketing Act.

The bill strengthens the Department of Children and Families’ (DCF) substance abuse treatment provider licensure program and improves the regulation of service providers. The DCF must draft rules on minimum licensure standards and require that certain providers be accredited. The bill also expands DCF’s authority to take action against a service provider for violations on a tier-based system that also includes the imposition of fines.

The bill creates new and amends existing criminal offenses (prohibited acts) related to patient brokering and marketing practices that create or increase fines and potential prison sentences. These offenses are added to the Criminal Punishment Code ranking chart for purposes of assigning sentencing points.

The bill provides assistance to law enforcement and prosecutors by:

- Extending the jurisdiction of the Office of the Statewide Prosecutor to investigate and prosecute patient brokering offenses;
- Adding patient brokering to the list of predicate offenses that may be prosecuted as RICO offenses which could result in higher penalties; and
- Adopting federal law with regard to the timing of law enforcement giving notice to a patient regarding obtaining the patient’s records pursuant to a court order.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 38-0; House 115-0