



486162

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/02/2013	.	
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The Committee on Children, Families, and Elder Affairs (Clemens) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Paragraph (d) is added to subsection (18) of section 397.311, Florida Statutes, to read:

397.311 Definitions.—As used in this chapter, except part VIII, the term:

(18) Licensed service components include a comprehensive continuum of accessible and quality substance abuse prevention, intervention, and clinical treatment services, including the following services:



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13 (d) "Sober house transitional living home" means a
14 residential dwelling unit that provides a peer-supported,
15 managed, alcohol-free and drug-free living environment.

16 Section 2. Subsections (4) through (10) are added to
17 section 397.403, Florida Statutes, to read:

18 397.403 License application.—

19 (4) An applicant for licensure under this section must
20 adhere to local, municipal, or county standards for zoning and
21 occupancy. After selection of a proposed site, but before
22 receiving a license under this section, the person or entity
23 that applies for licensure to operate a sober house transitional
24 living home as defined in s. 397.311 shall provide written
25 notice to the chief executive officer of the city or county that
26 governs the area in which the home will be located. The
27 applicant shall stipulate in the notice:

28 (a) That based upon the most recently published data
29 compiled by the department, the proposed sober house
30 transitional living home will not be located within 1,000 feet
31 of another sober house transitional living home or within 1,000
32 feet of a licensed service component as defined under s.
33 397.311. The distance between the proposed sober house
34 transitional living home and an existing sober house
35 transitional living home or licensed service component must be
36 measured from the nearest point of the existing sober house
37 transitional living home or licensed service component to the
38 nearest point of the proposed sober house transitional living
39 home; and

40 (b) The maximum number of residents who will reside at the
41 proposed home.



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42 (5) A proposed sober house transitional living home that is
43 managed by or operated by an owner or wholly-owned subsidiary of
44 a licensed service component as defined in s. 397.311 is exempt
45 from subsection (4) if the owner or wholly-owned subsidiary
46 provides to the department the location of the housing component
47 on the license application for the licensed service component in
48 order to avoid having to obtain an additional license for the
49 proposed sober house transitional living home. A sober house
50 transitional living home that is exempted by this subsection is
51 not exempt from local, municipal, and county standards for
52 zoning and occupancy.

53 (6) The city or county government may review the notice to
54 determine whether the proposed sober house transitional living
55 home complies with its zoning and occupancy standards and the
56 distance requirements specified in paragraph (4) (a). In making
57 its determination, the city or county government may also
58 consider whether the site of the proposed home would result in
59 an overconcentration of sober house transitional living homes in
60 the proximate area of the proposed home. After making its
61 determination, the city or county government shall notify the
62 applicant and the department of its determination.

63 (7) No later than September 1, 2013, a residential dwelling
64 unit that was operating as a sober house transitional living
65 home on or before July 1, 2013, shall apply for licensure under
66 this section and shall provide written notice to the city or
67 county government as provided in subsection (4). The city or
68 county government shall review the notice and notify the
69 applicant and the department of its determination pursuant to
70 subsection (6). A sober house transitional living home in



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71 existence before July 1, 2013, is exempt from complying with the
72 distance requirements of paragraph (4) (a) if the existing sober
73 house transitional living home continues to operate at the same
74 location and continues to be owned and operated by the same
75 person or entity that was the owner and operator on or before
76 June 30, 2013.

77 (8) If the city or county government determines that an
78 applicant's proposed sober house transitional living home or its
79 site does not comply with subsection (4), subsection (5), or
80 subsection (6), and if it is agreed to by both parties, a
81 conflict may be resolved through informal mediation. The city or
82 county government shall arrange for the services of an
83 independent mediator or may initiate dispute resolution
84 proceedings under s. 186.509. The mediation process must be
85 concluded within 45 days after a request for mediation. This
86 subsection may not be construed as altering the applicant's
87 statutory or common law rights.

88 (9) This section does not require a city or county
89 government to adopt a new ordinance if it has an existing
90 ordinance that meets the criteria specified in subsection (4).
91 State law that governs a sober house transitional living home as
92 defined in s. 397.311 prevails over a local ordinance; however,
93 a city or county government may adopt a more liberal ordinance
94 that governs sober house transitional living homes.

95 (10) The department may adopt rules to establish penalties
96 or fines for failure to obtain a license from the department to
97 operate a sober house transitional living home.

98 Section 3. This act shall take effect July 1, 2013.

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===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled

An act relating to substance abuse services; amending
s. 397.311, F.S.; defining the term "sober house
transitional living home" as it relates to the Hal S.
Marchman Alcohol and Other Drug Services Act; amending
s. 397.403, F.S.; requiring that an applicant seeking
licensure for a proposed facility that would provide
specified substance abuse services adhere to local,
municipal, or county standards for zoning and
occupancy; requiring such applicant to provide written
notice to the chief executive officer of the
appropriate local government before receiving
licensure to operate a sober house transitional living
home; requiring the applicant to stipulate certain
criteria within the notice; exempting certain sober
house transitional living homes from additional
licensing as a service provider under ch. 397, F.S.,
under certain circumstances; requiring the local
government to review the notification and to determine
if the proposed home and its site comply with certain
requirements; requiring the local government to notify
the applicant and the Department of Children and
Families of its determination; requiring each sober
house transitional living home in existence on a
certain date to apply for licensure with the



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129 department and give notice to the local government by
130 a specified date; requiring the local government to
131 notify the existing sober house transitional living
132 home and the department of its determination;
133 exempting existing sober house transitional living
134 homes from complying with the distance requirement
135 under certain circumstances; providing conflict
136 resolution by informal mediation under certain
137 circumstances; requiring the local government to
138 arrange for services of an independent mediator or
139 initiate dispute resolution proceedings; providing
140 procedures for the mediation; providing construction;
141 providing that a local government is not required to
142 adopt a local ordinance under certain circumstances;
143 providing that state law prevails over a local
144 ordinance; providing that a local government is not
145 precluded from adopting ordinances that govern
146 facilities that offer certain substance abuse
147 services; providing that the department may adopt
148 rules to establish penalties or fines for failure to
149 obtain a license to operate a sober house transitional
150 living home; providing an effective date.