

1 A bill to be entitled
 2 An act relating to the Substance Abuse and Recovery
 3 Fraudulent Business Practices Pilot Project; creating
 4 s. 16.619, F.S.; providing legislative findings;
 5 establishing the Substance Abuse and Recovery
 6 Fraudulent Business Practices Pilot Project within the
 7 Office of the State Attorney for the Fifteenth
 8 Judicial Circuit; authorizing the state attorney to
 9 terminate the project; providing for appointment and
 10 terms of members of an advisory panel; establishing
 11 duties of the advisory panel; requiring an annual
 12 report to the Governor and Legislature; providing an
 13 effective date.

14
 15 Be It Enacted by the Legislature of the State of Florida:

16
 17 Section 1. Section 16.619, Florida Statutes, is created to
 18 read:

19 16.619 Substance Abuse and Recovery Fraudulent Business
 20 Practices Pilot Project.—

21 (1) LEGISLATIVE FINDINGS.—The Legislature finds that there
 22 is a need to develop and implement a local pilot project to
 23 coordinate state and local agencies, law enforcement entities,
 24 and investigative units for the purpose of increasing the
 25 effectiveness of programs and initiatives relating to the
 26 regulation, prevention, detection, and prosecution of unethical

27 and fraudulent business practices within the substance abuse
28 industry.

29 (2) ESTABLISHMENT.—The Substance Abuse and Recovery
30 Fraudulent Business Practices Pilot Project is created within
31 the Office of the State Attorney for the Fifteenth Judicial
32 Circuit to coordinate and further state and local efforts to
33 address entities that use unethical and fraudulent business
34 practices to prey on vulnerable individuals with substance use
35 disorders and their families. The pilot project shall identify
36 and implement those strategies possible within current resources
37 and existing law to address fraudulent business and unethical
38 marketing practices in the provision of substance abuse
39 services. The State Attorney for the Fifteenth Judicial Circuit
40 may terminate the pilot project after its work is complete.

41 (3) MEMBERSHIP.—The pilot project shall be developed by
42 the State Attorney for the Fifteenth Judicial Circuit, in
43 consultation with an advisory panel. The state attorney shall
44 serve as chair of the advisory panel. The advisory panel shall
45 include at a minimum the following nine members, appointed by
46 and serving at the pleasure of the state attorney, unless
47 otherwise specified:

48 (a) A representative of the Department of Children and
49 Families, appointed by the Secretary of Children and Families.

50 (b) The Sheriff of Palm Beach County or his or her
51 designee.

52 (c) A representative from a local business organization.

53 (d) A representative from the health insurance industry.

54 (e) A representative from the substance abuse treatment
 55 industry.

56 (f) The executive director of the Florida Association of
 57 Recovery Residences or his or her designee.

58 (g) The executive director of the Florida Alcohol and Drug
 59 Abuse Association or his or her designee.

60 (h) A county official.

61 (i) An official representing one of the municipalities
 62 within Palm Beach County.

63 (4) TERMS OF MEMBERSHIP; COMPENSATION.—

64 (a) The State Attorney for the Fifteenth Judicial Circuit
 65 shall call meetings of the advisory panel as necessary to guide
 66 the pilot project.

67 (b) The Legislature finds that the advisory panel serves a
 68 legitimate state, county, and municipal purpose and that service
 69 on the advisory panel is consistent with a member's principal
 70 service in a public office or public employment. Therefore,
 71 membership on the advisory panel does not disqualify a member
 72 from holding any other public office or from being employed by a
 73 public entity, except that a member of the Legislature may not
 74 serve on the advisory panel.

75 (c) Members of the advisory panel shall serve without
 76 compensation.

77 (5) DUTIES.—In developing and implementing the pilot
78 project, the State Attorney for the Fifteenth Judicial Circuit,
79 in collaboration with the advisory panel, shall:

80 (a) Identify the types of fraudulent business and
81 unethical marketing practices engaged in by providers of
82 substance abuse services and recovery residences.

83 (b) Collect and organize data concerning marketing and
84 business practices by the substance abuse treatment industry and
85 recovery residences which are unethical or fraudulent.

86 (c) Conduct a census of local, state, and federal efforts
87 to address patient brokering, unfair and deceptive trade
88 practices in this state, including fraud detection, prevention,
89 and prosecution, in order to discern overlapping missions,
90 maximize existing resources, and strengthen current programs.

91 (d) Review the adequacy of laws addressing such practices.

92 (e) Develop a range of strategies to address such
93 practices and evaluate their effectiveness and cost.

94 (f) Plan for and implement in collaboration with relevant
95 entities such strategies as are possible within current
96 resources and existing law. Such strategies may include, but are
97 not limited to, communication with providers about practices
98 which are fraudulent, communication to individuals and families
99 about fraudulent practices to which they may be subject,
100 increased enforcement through the Department of Children and
101 Families' current regulatory authority, a local warm line for

102 receiving information about fraudulent practices, and better
103 coordination of state and local resources for enforcement.

104 (g) Recommend to the Department of Children and Families
105 and the Legislature revisions to law and state agency practices
106 that may enhance the effectiveness of state and local efforts.

107 (6) ANNUAL REPORTS.—The State Attorney for the Fifteenth
108 Judicial Circuit shall submit an annual report on the progress
109 of the pilot project by October 1, 2016, and annually
110 thereafter, to the Governor, the President of the Senate, and
111 the Speaker of the House of Representatives.

112 Section 2. This act shall take effect upon becoming a law.