



340588

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/06/2017	.	
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The Committee on Criminal Justice (Clemens) recommended the following:

Senate Amendment (with title amendment)

Delete lines 167 - 220

and insert:

Section 4. Section 397.488, Florida Statutes, is created to read:

397.488 Prohibition of deceptive marketing practices.—

(1) The Legislature recognizes that consumers of substance abuse treatment have disabling conditions and that such consumers and their families are vulnerable and at risk of being



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11 easily victimized by fraudulent marketing practices that
12 adversely impact the delivery of health care. To protect the
13 health, safety, and welfare of this vulnerable population, a
14 service provider, an operator of a recovery residence, or a
15 third party who provides any form of advertising or marketing
16 services to a service provider or an operator of a recovery
17 residence may not engage in any of the following marketing
18 practices:

19 (a) Making a false or misleading statement or providing
20 false or misleading information about the provider's or
21 operator's or third party's products, goods, services, or
22 geographical locations in its marketing, advertising materials,
23 or media or on its website.

24 (b) Including on its website false information, electronic
25 links, or coding or activation that provides false information
26 or that surreptitiously directs the reader to another website.

27 (c) Soliciting, receiving, or making an attempt to solicit
28 or receive a commission, benefit, bonus, rebate, kickback, or
29 bribe, directly or indirectly, in cash or in kind, or engaging
30 or making an attempt to engage in a split-fee arrangement in
31 return for a referral or an acceptance or acknowledgment of
32 treatment from a service provider or recovery residence.

33 (d) Entering into a contract with a marketing provider who
34 agrees to generate referrals or leads for the placement of
35 patients with a service provider or in a recovery residence
36 through a call center or a web-based presence, unless the
37 service provider or the operator of the recovery residence
38 discloses the following to the prospective patient so that the
39 patient can make an informed health care decision:



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40 1. Information about the specific licensed service
41 providers or recovery residences that are represented by the
42 marketing provider and pay a fee to the marketing provider,
43 including the identity of such service providers or recovery
44 residences; and

45 2. Clear and concise instructions that allow the
46 prospective patient to easily access lists of licensed service
47 providers and recovery residences on the department website.

48 (2) In addition to any other punishment authorized by law,
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50 ===== T I T L E A M E N D M E N T =====

51 And the title is amended as follows:

52 Delete lines 25 - 34

53 and insert:

54 397.488, F.S.; providing legislative findings;
55 prohibiting service providers, operators of recovery
56 residences, and certain third parties from engaging in
57 specified marketing practices;