

26 | and awaiting disposition for, are found guilty of, or
27 | enter a plea of guilty or nolo contendere to certain
28 | offenses, regardless if adjudication is withheld;
29 | requiring the certified recovery residence to retain a
30 | certified recovery residence administrator if the
31 | previous certified recovery residence administrator
32 | has been removed due to any reason; prohibiting
33 | certified recovery residences, on or after a specified
34 | date, from denying an individual access to housing
35 | solely for being prescribed federally approved
36 | medications from licensed health care professionals;
37 | prohibiting local laws, ordinances, or regulations
38 | adopted on or after a specified date from regulating
39 | the duration or frequency of a resident's stay in a
40 | certified recovery residence in certain zoning
41 | districts; providing applicability; amending s.
42 | 397.4871, F.S.; authorizing, rather than requiring,
43 | credentialing entities to revoke a certificate of
44 | compliance if a recovery residence fails to meet
45 | specified standards; authorizing certain Level IV
46 | certified recovery residences owned or controlled by a
47 | licensed service provider and managed by a certified
48 | recovery residence administrator approved for a
49 | specified number of residents to manage a specified
50 | greater number of residents, provided that certain

51 criteria are met; prohibiting a certified recovery
 52 residence administrator who has been removed by a
 53 certified recovery residence from taking on certain
 54 other management positions without approval from a
 55 credentialing entity; defines the term "community
 56 housing"; providing an effective date.

57
 58 Be It Enacted by the Legislature of the State of Florida:

59
 60 Section 1. Paragraph (k) is added to subsection (10) of
 61 section 212.02, Florida Statutes, to read:

62 212.02 Definitions.—The following terms and phrases when
 63 used in this chapter have the meanings ascribed to them in this
 64 section, except where the context clearly indicates a different
 65 meaning:

66 (10) "Lease," "let," or "rental" means leasing or renting
 67 of living quarters or sleeping or housekeeping accommodations in
 68 hotels, apartment houses, roominghouses, tourist or trailer
 69 camps and real property, the same being defined as follows:

70 (k) For purposes of this chapter, recovery residences
 71 certified pursuant to s. 397.487 which rent properties are not
 72 subject to any taxes imposed on transient accommodations,
 73 including taxes imposed under s. 212.03; any locally imposed
 74 discretionary sales surtax or any convention development tax
 75 imposed under s. 212.0305; any tourist development tax imposed

76 under s. 125.0104; or any tourist impact tax imposed under s.
77 125.0108.

78 Section 2. Subsection (5) of section 397.311, Florida
79 Statutes, is amended to read:

80 397.311 Definitions.—As used in this chapter, except part
81 VIII, the term:

82 (5) "Certified recovery residence" means a recovery
83 residence that holds a valid certificate of compliance and is
84 actively managed by a certified recovery residence
85 administrator. The levels of care within a certified recovery
86 residence are as follows:

87 (a) Level I recovery residences that house individuals in
88 recovery who are post-treatment, with a minimum of 9 months of
89 sobriety. Level I certified homes are democratically run by the
90 members who reside in the home.

91 (b) Level II recovery residences encompass the traditional
92 perspectives of sober living homes. There is oversight from a
93 house manager with lived experience, typically a senior
94 resident. Residents are expected to follow rules outlined in a
95 resident handbook, pay dues, if applicable, and work toward
96 achieving milestones within a chosen recovery path.

97 (c) Level III recovery residences offer higher supervision
98 by staff with formal training to ensure resident accountability.
99 These homes offer peer-support services and are staffed 24 hours
100 a day. Clinical services are not performed at the residence. The

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101 services offered may include, but are not limited to, life skill
102 mentoring, recovery planning, and meal preparation. This support
103 structure is most appropriate for residents who require a more
104 structured environment during early recovery from addiction.

105 (d) A Level IV certified recovery residence are dwellings
106 offered, referred to, or provided by, a licensed service
107 provider to its patients who are required to reside at the
108 residence while receiving intensive outpatient and higher levels
109 of outpatient care. Level IV recovery residences are staffed 24
110 hours a day and combine outpatient licensable services with
111 recovery residential living. Residents are required to follow a
112 treatment plan, attend group and individual sessions, in
113 addition to developing a recovery plan within the social model
114 of recovery spectrum. No clinical services are provided at the
115 residence and all licensable services are provided off-site.

116 Section 3. Subsection (20) is added to section 397.321,
117 Florida Statutes, to read:

118 397.321 Duties of the department.—The department shall:

119 (20) Prominently display and make available on its website
120 no later than January 1, 2025, all documents in the department's
121 Provider Licensure and Designations System pertaining to the
122 following:

123 (a) Service provider applications for licensure and
124 license renewal.

125 (b) Policies and procedures provided by the department to

126 an applicant for service provider licensure or license renewal.

127 (c) The name and location of each recovery residence
128 engaged in a referral relationship with a licensed service
129 provider or service provider applicant, as required under ss.
130 397.4104 and 397.403(1) (j).

131 (d) All complaints pertaining to service providers
132 received by the department, and all investigative reports and
133 findings, whether founded or unfounded. Complainant names and
134 other identifying information shall be redacted.

135 (e) Fines assessed for violations pursuant to ss.
136 397.411 (7), 397.4104 (2), and 397.4873 (7).

137 (f) All reports or other documentation pertaining to
138 service provider license suspension or revocation.

139 (g) All inspection reports for service provider licenses
140 and recovery residences.

141 Section 4. Paragraph (a) of subsection (2) of section
142 397.335, Florida Statutes, is amended to read:

143 397.335 Statewide Council on Opioid Abatement.—

144 (2) MEMBERSHIP.—

145 (a) Notwithstanding s. 20.052, the council shall be
146 composed of the following members:

147 1. The Attorney General, or his or her designee, who shall
148 serve as chair.

149 2. The secretary of the department, or his or her
150 designee, who shall serve as vice chair.

- 151 3. One member appointed by the Governor.
- 152 4. One member appointed by the President of the Senate.
- 153 5. One member appointed by the Speaker of the House of
154 Representatives.
- 155 6. Two members appointed by the Florida League of Cities
156 who are commissioners or mayors of municipalities. One member
157 shall be from a municipality with a population of fewer than
158 50,000 people.
- 159 7. Two members appointed by or through the Florida
160 Association of Counties who are county commissioners or mayors.
161 One member shall be appointed from a county with a population of
162 fewer than 200,000, and one member shall be appointed from a
163 county with a population of more than 200,000.
- 164 8. One member who is either a county commissioner or
165 county mayor appointed by the Florida Association of Counties or
166 who is a commissioner or mayor of a municipality appointed by
167 the Florida League of Cities. The Florida Association of
168 Counties shall appoint such member for the initial term, and
169 future appointments must alternate between a member appointed by
170 the Florida League of Cities and a member appointed by the
171 Florida Association of Counties.
- 172 9. Two members appointed by or through the State Surgeon
173 General. One shall be a staff member from the department who has
174 experience coordinating state and local efforts to abate the
175 opioid epidemic, and one shall be a licensed physician who is

176 board certified in both addiction medicine and psychiatry.

177 10. One member appointed by the Florida Association of
 178 Recovery Residences.

179 11. One member appointed by the Florida Association of EMS
 180 Medical Directors.

181 12. One member appointed by the Florida Society of
 182 Addiction Medicine who is a medical doctor board certified in
 183 addiction medicine.

184 13. One member appointed by the Florida Behavioral Health
 185 Association.

186 14. One member appointed by Floridians for Recovery.

187 15. One member appointed by the Florida Certification
 188 Board.

189 Section 5. Present paragraphs (c), (d), and (e) of
 190 subsection (8) of section 397.487, Florida Statutes, are
 191 redesignated as subsections (d), (e), and (f), respectively, and
 192 amended, a new paragraph (c) is added to that subsection,
 193 subsections (13) and (14) are added to that section, and
 194 paragraph (b) of subsection (8) of that section is amended, to
 195 read:

196 397.487 Voluntary certification of recovery residences.—

197 (8) Onsite followup monitoring of a certified recovery
 198 residence may be conducted by the credentialing entity to
 199 determine continuing compliance with certification requirements.

200 The credentialing entity shall inspect each certified recovery

201 residence at least annually to ensure compliance.

202 (b) A certified recovery residence must notify the
203 credentialing entity within 3 business days after the removal of
204 the recovery residence's certified recovery residence
205 administrator due to termination, resignation, or any other
206 reason. The certified recovery residence has 90 ~~30~~ days to
207 retain a certified recovery residence administrator. The
208 credentialing entity shall revoke the certificate of compliance
209 of any certified recovery residence that fails to comply with
210 this paragraph.

211 (c) If a certified recovery residence's administrator has
212 been removed due to termination, resignation, or any other
213 reason and had been previously approved to actively manage more
214 than 50 residents pursuant to s. 397.4871(8)(b), the certified
215 recovery residence has 90 days to retain another certified
216 recovery residence administrator pursuant to that section. The
217 credentialing entity shall revoke the certificate of compliance
218 of any certified recovery residence that fails to comply with
219 this paragraph.

220 (d)-(e) If any owner, director, or chief financial officer
221 of a certified recovery residence is arrested and awaiting
222 disposition for or found guilty of, or enters a plea of guilty
223 or nolo contendere to, regardless of whether adjudication is
224 withheld, any offense listed in s. 435.04(2) while acting in
225 that capacity, the certified recovery residence must ~~shall~~

226 immediately remove the person from that position and ~~shall~~
 227 notify the credentialing entity within 3 business days after
 228 such removal. The credentialing entity shall revoke the
 229 certificate of compliance of a certified recovery residence that
 230 fails to meet these requirements.

231 (e)~~(d)~~ A credentialing entity shall revoke a certified
 232 recovery residence's certificate of compliance if the certified
 233 recovery residence provides false or misleading information to
 234 the credentialing entity at any time.

235 (f)~~(e)~~ Any decision by a department-recognized
 236 credentialing entity to deny, revoke, or suspend a
 237 certification, or otherwise impose sanctions on a certified
 238 recovery residence, is reviewable by the department. Upon
 239 receiving an adverse determination, the certified recovery
 240 residence may request an administrative hearing pursuant to ss.
 241 120.569 and 120.57(1) within 30 days after completing any
 242 appeals process offered by the credentialing entity or the
 243 department, as applicable.

244 (13) Effective January 1, 2025, a recovery residence may
 245 not deny an individual access to housing solely on the basis
 246 that he or she has been prescribed federally approved medication
 247 that assists with treatment for substance use disorders by a
 248 licensed physician, a physician's assistant, or an advanced
 249 practice registered nurse registered under s. 464.0123.

250 (14) A local law, ordinance, or regulation may not

251 regulate the duration or frequency of a resident's stay in a
 252 certified recovery residence located within a multifamily zoning
 253 district. This subsection does not apply to any local law,
 254 ordinance, or regulation adopted on or before February 1, 2024.

255 Section 6. Paragraphs (b) and (c) of subsection (6) of
 256 section 397.4871, Florida Statutes, are amended, and paragraph
 257 (c) is added to subsection (8) of that section, to read:

258 397.4871 Recovery residence administrator certification.—

259 (6) The credentialing entity shall issue a certificate of
 260 compliance upon approval of a person's application. The
 261 certification shall automatically terminate 1 year after
 262 issuance if not renewed.

263 (b) If a certified recovery residence administrator of a
 264 recovery residence is arrested and awaiting disposition for or
 265 found guilty of, or enters a plea of guilty or nolo contendere
 266 to, regardless of whether adjudication is withheld, any offense
 267 listed in s. 435.04(2) while acting in that capacity, the
 268 certified recovery residence must ~~shall~~ immediately remove the
 269 person from that position and ~~shall~~ notify the credentialing
 270 entity within 3 business days after such removal. The certified
 271 recovery residence shall ~~have 30 days to~~ retain a certified
 272 recovery residence administrator within 90 days after such
 273 removal. The credentialing entity shall revoke the certificate
 274 of compliance of any recovery residence that fails to meet these
 275 requirements.

276 (c) A credentialing entity may ~~shall~~ revoke a certified
277 recovery residence administrator's certificate of compliance if
278 the recovery residence administrator provides false or
279 misleading information to the credentialing entity at any time.

280 (8)

281 (c) Notwithstanding paragraph (b), a Level IV certified
282 recovery residence with a community housing component, which
283 residence is actively managed by a certified recovery residence
284 administrator approved for 100 residents under this section and
285 is wholly owned or controlled by a licensed service provider,
286 may actively manage up to 150 residents so long as the licensed
287 service provider maintains a service provider personnel-to-
288 patient ratio of 1 to 8 and maintains onsite supervision at the
289 residences 24 hours a day, 7 days a week, with a personnel-to-
290 resident ratio of 1 to 10. A certified recovery residence
291 administrator who has been removed by a certified recovery
292 residence due to termination, resignation, or any other reason
293 may not continue to actively manage more than 50 residents for
294 another service provider or certified recovery residence without
295 being approved by the credentialing entity. For purposes of this
296 paragraph, the term "community housing" means a certified
297 recovery residence offered, referred to, or provided by, a
298 licensed service provider that provides housing to its patients
299 who are required to reside at the residence while receiving
300 intensive outpatient and higher levels of outpatient care. A

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301 certified recovery residence as defined in s. 397.311(5) used by
302 a licensed service provider that meets the definition of
303 community housing shall be classified as a Level IV level of
304 support,.

305 Section 7. This act shall take effect July 1, 2024.