

CHAPTER 2023-298

Committee Substitute for Senate Bill No. 210

An act relating to substance abuse services; amending s. 397.403, F.S.; revising application requirements for licensure as a substance abuse service provider; defining the term “marijuana”; amending s. 397.410, F.S.; revising licensure requirements for substance abuse providers; defining the term “marijuana”; amending s. 397.411, F.S.; requiring the Department of Children and Families to establish, by a specified date, a mechanism to impose and collect fines for certain violations of law; amending s. 397.487, F.S.; revising credentialing requirements for recovery residences; defining the term “marijuana”; prohibiting persons discharged from a recovery residence from willfully refusing to depart after being warned by specified persons; providing criminal penalties; amending s. 397.4873, F.S.; prohibiting service providers from referring patients to, or accepting referrals from, specified recovery residences; revising requirements regarding patient referrals for substance abuse service providers and recovery residences; defining the term “marijuana”; requiring the department to establish, by a specified date, a mechanism to impose and collect fines for certain violations of law; providing an effective date.

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

Section 1. Paragraph (k) is added to subsection (1) of section 397.403, Florida Statutes, to read:

397.403 License application.—

(1) Applicants for a license under this chapter must apply to the department on forms provided by the department and in accordance with rules adopted by the department. Applications must include at a minimum:

(k) Proof of a prohibition on the premises against alcohol, marijuana, illegal drugs, and the use of prescribed medications by an individual other than the individual for whom the medication is prescribed. For the purposes of this paragraph, “marijuana” includes marijuana that has been certified by a qualified physician for medical use in accordance with s. 381.986.

Section 2. Paragraph (f) is added to subsection (1) of section 397.410, Florida Statutes, to read:

397.410 Licensure requirements; minimum standards; rules.—

(1) The department shall establish minimum requirements for licensure of each service component, as defined in s. 397.311(26), including, but not limited to:

(f) A prohibition on the premises against alcohol, marijuana, illegal drugs, and the use of prescribed medications by an individual other than the individual for whom the medication is prescribed. For the purposes of this paragraph, “marijuana” includes marijuana that has been certified by a qualified physician for medical use in accordance with s. 381.986.

Section 3. Subsection (8) is added to section 397.411, Florida Statutes, to read:

397.411 Inspection; right of entry; classification of violations; records.

(8) The department shall establish a mechanism for the imposition and collection of fines for violations under this section no later than January 1, 2024.

Section 4. Paragraph (a) of subsection (3) of section 397.487, Florida Statutes, is amended, and subsection (12) is added to that section, to read:

397.487 Voluntary certification of recovery residences.—

(3) A credentialing entity shall require the recovery residence to submit the following documents with the completed application and fee:

(a) A policy and procedures manual containing:

1. Job descriptions for all staff positions.

2. Drug-testing procedures and requirements.

3. A prohibition on the premises against alcohol, marijuana, illegal drugs, and the use of prescribed medications by an individual other than the individual for whom the medication is prescribed. For the purposes of this subsection, “marijuana” includes marijuana that has been certified by a qualified physician for medical use in accordance with s. 381.986.

4. Policies to support a resident’s recovery efforts.

5. A good neighbor policy to address neighborhood concerns and complaints.

(12) Any person discharged from a recovery residence under subsection (11) who willfully refuses to depart after being warned by the owner or an authorized employee of the recovery residence commits the offense of trespass in a recovery residence, a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 5. Present subsections (3) through (7) of section 397.4873, Florida Statutes, are redesignated as subsections (4) through (8), respectively, a new subsection (3) is added to that section, and present subsections (3) and (6) of that section are amended, to read:

397.4873 Referrals to or from recovery residences; prohibitions; penalties.—

(3) Notwithstanding subsection (2), a service provider licensed under this part may not make a referral of a prospective, current, or discharged patient to, or accept a referral of such patient from, a recovery residence that allows on its premises the use of alcohol, marijuana, or illegal drugs or the use of prescribed medications by an individual other than the individual for whom the medication is prescribed. For the purposes of this subsection, “marijuana” includes marijuana that has been certified by a qualified physician for medical use in accordance with s. 381.986.

~~(4)(a)(3)~~ For purposes of this section, a licensed service provider or recovery residence shall be considered to have made a referral if the provider or recovery residence has informed a patient by any means about the name, address, or other details of a recovery residence or licensed service provider, or informed a licensed service provider or a recovery residence of any identifying details about a patient.

(b) A referral shall also include the placement of a patient by a licensed service provider into the housing component of the provider’s day or night treatment, which has a community housing license, regardless of whether the community housing component is affiliated with the licensed service provider.

~~(7)(6)~~ A licensed service provider that violates this section is subject to an administrative fine of \$1,000 per occurrence. If such fine is imposed by final order of the department and is not subject to further appeal, the service provider shall pay the fine plus interest at the rate specified in s. 55.03 for each day beyond the date set by the department for payment of the fine. If the service provider does not pay the fine plus any applicable interest within 60 days after the date set by the department, the department shall immediately suspend the service provider’s license. Repeat violations of this section may subject a provider to license suspension or revocation pursuant to s. 397.415. The department shall establish a mechanism no later than January 1, 2024, for the imposition and collection of fines for violations under this section.

Section 6. This act shall take effect July 1, 2023.

Approved by the Governor June 27, 2023.

Filed in Office Secretary of State June 27, 2023.