

1                   A bill to be entitled  
2           An act relating to substance abuse and mental health  
3           services; amending s. 397.487, F.S.; conforming a  
4           provision to changes made by the act; revising  
5           requirements relating to the removal and replacement  
6           of certified recovery residence administrators;  
7           revising requirements relating to credentialing  
8           entities denying, revoking, or suspending  
9           certifications or imposing sanctions on a recovery  
10          residence; requiring the Department of Children and  
11          Families to adopt rules; requiring that changes to  
12          certification requirements by credentialing entities  
13          be adopted by department rule before the change is  
14          effective and enforceable; amending s. 397.4871, F.S.;  
15          authorizing credentialing entities to approve certain  
16          certified recovery residence administrators to  
17          actively manage up to a specified number of residents  
18          if certain requirements are met; prohibiting certain  
19          certified recovery residence administrators who have  
20          been removed from a recovery residence from continuing  
21          to actively manage more than a specified number of  
22          residents without being reapproved by a credentialing  
23          entity; creating the Substance Abuse and Mental Health  
24          Treatment and Housing Task Force within the Department  
25          of Children and Families; providing a purpose for the

26 task force; specifying membership of the task force;  
 27 requiring the task force to meet at specified  
 28 intervals; requiring the task force to conduct a  
 29 specified study and review; requiring the task force  
 30 to submit a report to the department by a specified  
 31 date; requiring the department to submit a report to  
 32 the Governor and the Legislature by a specified date;  
 33 exempting certain recovery residences from certain  
 34 zoning laws and ordinances for a specified timeframe;  
 35 providing for expiration of the task force; providing  
 36 an effective date.

37

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

39

40 Section 1. Paragraph (a) of subsection (2) and paragraphs  
 41 (b) and (e) of subsection (8) of section 397.487, Florida  
 42 Statutes, are amended, and paragraph (f) is added to that  
 43 subsection, to read:

44 397.487 Voluntary certification of recovery residences.—

45 (2) The department shall approve at least one  
 46 credentialing entity by December 1, 2015, for the purpose of  
 47 developing and administering a voluntary certification program  
 48 for recovery residences. The approved credentialing entity  
 49 shall:

50 (a) Establish recovery residence certification

51 requirements. However, any change to certification requirements  
52 on or after October 1, 2023, must be adopted by department rule  
53 pursuant to paragraph (8) (f).

54 (8) Onsite followup monitoring of a certified recovery  
55 residence may be conducted by the credentialing entity to  
56 determine continuing compliance with certification requirements.  
57 The credentialing entity shall inspect each certified recovery  
58 residence at least annually to ensure compliance.

59 (b) A certified recovery residence must notify the  
60 credentialing entity within 3 business days after the removal of  
61 the recovery residence's certified recovery residence  
62 administrator due to termination, resignation, or any other  
63 reason. The recovery residence has 90 ~~30~~ days to retain a  
64 certified recovery residence administrator. If a recovery  
65 residence's certified recovery residence administrator has been  
66 removed due to termination, resignation, or any other reason and  
67 had been approved to actively manage more than 50 residents  
68 pursuant to s. 397.4871(8), the recovery residence must retain  
69 another certified recovery residence administrator within 90  
70 days to continue to manage the approved additional number of  
71 residents. The credentialing entity shall revoke the certificate  
72 of compliance of any recovery residence that fails to comply  
73 with this paragraph.

74 (e) Any decision by a department-recognized credentialing  
75 entity to deny, revoke, or suspend a certification, or otherwise

76 | impose sanctions on a recovery residence, must be initiated by a  
 77 | formal notice provided to the recovery residence, and the  
 78 | credentialing agency must take final action within 30 days after  
 79 | the initial notification, ~~is reviewable by the department.~~ Upon  
 80 | receiving an adverse determination, the recovery residence may  
 81 | request an administrative hearing pursuant to ss. 120.569 and  
 82 | 120.57 ~~ss. 120.569 and 120.57(1)~~ within 30 days after final  
 83 | action taken ~~completing any appeals process offered by the~~  
 84 | credentialing entity or the department, as applicable.

85 | (f) Effective October 1, 2023, the department shall adopt  
 86 | by rule the certification requirements established by  
 87 | credentialing entities which are in effect on that date. Any  
 88 | changes to certification requirements by a credentialing entity  
 89 | on or after October 1, 2023 must be adopted by department rule  
 90 | before such change is effective and enforceable by credentialing  
 91 | entities.

92 | Section 2. Paragraph (b) of subsection (8) of section  
 93 | 397.4871, Florida Statutes, is amended to read:

94 | 397.4871 Recovery residence administrator certification.—

95 | (8)

96 | (b)1. A certified recovery residence administrator may not  
 97 | actively manage more than 50 residents at any given time unless  
 98 | written justification is provided to, and approved by, the  
 99 | credentialing entity as to how the administrator is able to  
 100 | effectively and appropriately respond to the needs of the

101 residents, to maintain residence standards, and to meet the  
102 residence certification requirements of this section. However, a  
103 certified recovery residence administrator may not actively  
104 manage more than 100 residents at any given time except as  
105 provided in subparagraph 2.

106 2. A credentialing entity may approve a certified recovery  
107 residence administrator to actively manage up to 250 residents  
108 if such administrator has been approved to actively manage 100  
109 residents under subparagraph 1., if such administrator's  
110 recovery residence is wholly owned or controlled by a licensed  
111 service provider, and if the licensed service provider maintains  
112 a ratio of at least one staff member to eight residents. A  
113 certified recovery residence administrator approved under this  
114 subparagraph who has been removed by a recovery residence due to  
115 termination, resignation, or any other reason may not continue  
116 to actively manage more than 100 residents for another recovery  
117 residence without being reapproved by the credentialing entity  
118 pursuant to this subparagraph.

119 Section 3. (1) The Substance Abuse and Mental Health  
120 Treatment and Housing Task Force, a task force as defined in s.  
121 20.03(8), Florida Statutes, is created within the Department of  
122 Children and Families. The purpose of the task force is to study  
123 issues relating to the regulation of licensed private sector  
124 substance abuse and mental health treatment service providers  
125 and ancillary therapeutic housing in this state and provide

126 recommended changes to provide best-in-class services with  
127 limited governmental intrusion. Except as otherwise provided in  
128 this section, the task force shall operate in a manner  
129 consistent with s. 20.052, Florida Statutes.

130 (2) The task force is composed of nine members, as  
131 follows:

132 (a) A representative of the Executive Office of the  
133 Governor, appointed by the Governor.

134 (b) A member of the Senate, appointed by the President of  
135 the Senate.

136 (c) A member of the House of Representatives, appointed by  
137 the Speaker of the House of Representatives.

138 (d) A representative of the Office of the Attorney  
139 General, appointed by the Governor.

140 (e) A representative of the Chief Financial Officer,  
141 appointed by the Governor.

142 (f) A representative of the Palm Beach County State  
143 Attorney Addiction Recovery Task Force, appointed by the  
144 Governor.

145 (g) A representative of the Florida Association of  
146 Recovery Residences, appointed by the Governor.

147 (h) A representative of the treatment industry, appointed  
148 by the Governor.

149 (i) A member of The Florida Bar with knowledge and  
150 experience in the treatment and therapeutic housing industry,

151 appointed by the Governor.

152 (3) The task force shall appoint a chair and vice-chair  
153 and meet no less than monthly.

154 (4)(a) The task force, with assistance from the Department  
155 of Children and Families, shall conduct a study to evaluate the  
156 impact of chapter 419, Florida Statutes, on treatment services,  
157 to identify obstacles to providing all forms of therapeutic,  
158 medical, and clinical housing in this state to residents of this  
159 state, and to identify any compliance issues with the federal  
160 Americans with Disabilities Act and the federal Fair Housing  
161 Amendments Act of 1988.

162 (b) The task force shall conduct a review of statewide  
163 zoning codes to determine the effect, if any, that local  
164 regulations have on the ability of private sector licensed  
165 service providers to provide modern, effective, evidence-based  
166 treatment and ancillary therapeutic housing to residents of this  
167 state.

168 (5)(a) By December 31, 2024, the task force shall submit  
169 to the Department of Children and Families a report of its  
170 findings and recommendations, including any recommended  
171 amendments to chapter 419, Florida Statutes.

172 (b) By June 30, 2025, the Department of Children and  
173 Families shall submit a report of the task force's findings and  
174 recommendations, and any additional findings and recommendations  
175 made by the department, to the Governor, the President of the

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176 Senate, and the Speaker of the House of Representatives.

177 (6) From July 1, 2023, until July 1, 2026, any recovery  
178 residence certified by the approved credentialing entity  
179 pursuant to s. 397.487, Florida Statutes, is exempt from state  
180 or local zoning laws or ordinances, including the requirements  
181 of chapter 419, Florida Statutes, which do not apply to all  
182 other single-family and multifamily dwellings.

183 (7) This section expires July 1, 2026.

184 Section 4. This act shall take effect July 1, 2023.