

LEGISLATIVE ACTION

Senate

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House

The Committee on Community Affairs (Soto) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Subsections (30) through (39) of section 397.311, Florida Statutes, are amended to read:

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

(30) "Registerable components include:"

(a) "S-means-a sober house transitional living home" means ~~that is~~ a residential dwelling unit that provides a managed, peer-supported, alcohol-free and drug-free living

13 environment.

14 (31)~~(30)~~ "Screening" means the gathering of initial
15 information to be used in determining a person's need for
16 assessment, services, or referral.

17 (32)~~(31)~~ "Secure facility," except where the context
18 indicates a correctional system facility, means a provider that
19 has the authority to deter the premature departure of
20 involuntary individuals whose leaving constitutes a violation of
21 a court order or community-based supervision as provided by law.
22 The term "secure facility" includes addictions receiving
23 facilities and facilities authorized by local ordinance for the
24 treatment of habitual abusers.

25 (33)~~(32)~~ "Service component" or "component" means a
26 discrete operational entity within a service provider which is
27 subject to licensing as defined by rule. Service components
28 include prevention, intervention, and clinical treatment
29 described in subsection (18).

30 (34)~~(33)~~ "Service provider" or "provider" means a public
31 agency, a private for-profit or not-for-profit agency, a person
32 who is a private practitioner, or a hospital licensed under this
33 chapter or exempt from licensure under this chapter.

34 (35)~~(34)~~ "Service provider personnel" or "personnel"
35 includes all owners, directors, chief financial officers, staff,
36 and volunteers, including foster parents, of a service provider.

37 (36) "Sober house operator" means a person who operates a
38 sober house transitional living home.

39 (37)~~(35)~~ "Stabilization" means:

- 40 (a) Alleviation of a crisis condition; or
41 (b) Prevention of further deterioration,

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43 and connotes short-term emergency treatment.

44 ~~(38)(36)~~ "Substance abuse" means the misuse or abuse of, or
45 dependence on alcohol, illicit drugs, or prescription
46 medications. As an individual progresses along this continuum of
47 misuse, abuse, and dependence, there is an increased need for
48 substance abuse intervention and treatment to help abate the
49 problem.

50 ~~(39)(37)~~ "Substate entity" means a departmental office
51 designated to serve a geographical area specified by the
52 department.

53 ~~(40)(38)~~ "System of care" means a coordinated continuum of
54 community-based services and supports that are organized to meet
55 the challenges and needs of individuals who are at risk of
56 developing substance abuse problems or individuals who have
57 substance abuse problems.

58 ~~(41)(39)~~ "Treatment plan" means an immediate and a long-
59 range plan based upon an individual's assessed needs and used to
60 address and monitor an individual's recovery from substance
61 abuse.

62 Section 2. Section 397.402, Florida Statutes, is created to
63 read:

64 397.402 Registration of sober house transitional living
65 home required; fees; penalties; advertising; inspections;
66 denial; suspension; and revocation.-

67 (1) APPLICATION.-

68 (a) A sober house transitional living home shall register
69 annually with the department and provide the following
70 information:

71 1. The name and physical address of the sober house
72 transitional living home.

73 2. The name of the sober house operator.

74 3. The number of individuals served at the sober house
75 transitional living home.

76 4. Proof of screening and background checks as required
77 under chapter 435.

78 (b) Each sober house transitional living home in existence
79 on July 1, 201~~34~~, shall submit by September 1, 201~~34~~, a
80 registration application to the department.

81 (2) BACKGROUND SCREENING.—

82 (a) The owner, director, manager, and chief financial
83 officer of a sober house transitional living home are subject to
84 level 2 background screening as provided in s. 435.04.

85 (b) The department may not issue a registration certificate
86 to a sober house transitional living home that fails to provide
87 proof that background screening information has been submitted
88 in accordance with chapter 435.

89 (c) If a background screening finds that an individual
90 specified in paragraph (a) has been found guilty of, regardless
91 of adjudication, or has entered a plea of nolo contendere or
92 guilty to any offense prohibited under the screening standard
93 established in s. 435.04, the department may not issue a
94 registration certificate to the applicant sober house
95 transitional living home unless an exemption from
96 disqualification has been granted by the department pursuant to
97 chapter 435.

98 (d) If an individual specified in paragraph (a) is arrested
99 or found guilty of, regardless of adjudication, or enters a plea

100 of nolo contendere or guilty to any offense prohibited under the
101 screening standard established in s. 435.04 while acting in his
102 or her professional capacity, the sober house operator shall
103 immediately remove the person from his or her position and
104 notify the department within 2 days after such removal,
105 excluding weekends and holidays. The department shall revoke the
106 registration of the sober house transitional living home if the
107 sober house operator fails to timely remove the owner, director,
108 manager, or chief financial officer from his or her position.

109 (3) FEES.—The department shall establish by rule the
110 registration process and registration fees.

111 (4) PENALTIES.—A person or agency that operates a
112 residential dwelling unit as a sober house transitional living
113 home that is not registered under this section commits a
114 misdemeanor of the first degree, punishable as provided in s.
115 775.082 or s. 775.083.

116 (5) ADVERTISING.—A person, as defined in s. 1.01(3), who
117 does not include the sober house transitional living home's
118 state registration number within an advertisement of the sober
119 house transitional living home commits a misdemeanor of the
120 first degree, punishable as provided in s. 775.082 or s.
121 775.083.

122 (6) INSPECTIONS.—

123 (a) An authorized agent of the department may enter and
124 inspect at any time a sober house transitional living home to
125 determine whether it is in compliance with statutory and
126 regulatory requirements.

127 (b) An authorized agent of the department may, with the
128 permission of the person in charge of the premises or pursuant

129 to a warrant, enter and inspect any unregistered sober house
130 transitional living home that the agent reasonably suspects to
131 be operating in violation of this section.

132 (c) Notwithstanding the confidentiality provisions of this
133 chapter, a designated and authorized agent of the department may
134 access the records of the individuals served by a sober house
135 transitional living home solely for purposes of registration,
136 monitoring, and investigation. The department may interview
137 these individuals as specified by rule.

138 (d) An application for registration as a sober house
139 transitional living home under this section constitutes full
140 permission for an authorized agent of the department to enter
141 and inspect at any time the premises of the sober house
142 transitional living home.

143 (e) The department shall maintain registration certificates
144 and reports of inspections of sober house transitional living
145 homes as public information available to any person upon request
146 and upon payment of a reasonable charge for copying.

147 (7) DENIAL; SUSPENSION; AND REVOCATION.

148 (a) If the department determines that an applicant or sober
149 house transitional living home is not in compliance with
150 statutory and regulatory requirements, the department may deny,
151 suspend, revoke, or impose reasonable restrictions or penalties
152 on the registration or any portion of the registration. In such
153 case, the department:

154 1. May impose an administrative penalty of up to \$500 per
155 day against a sober house transitional living home that operates
156 in violation of a statutory or regulatory requirement.

157 2. May suspend or revoke the registration of a sober house

158 transitional living home if, after notice, the department
159 determines that the home has failed to correct a substantial or
160 chronic violation of a statutory or regulatory requirement that
161 impacts the safety of the individuals served at the home.

162 (b) If a sober house transitional living home's
163 registration is revoked, the home is barred from submitting an
164 application for registration of the affected home to the
165 department for a period of 1 year after the revocation.

166 (c) Proceedings for the denial, suspension, or revocation
167 of a sober house transitional living home's registration must be
168 conducted in accordance with chapter 120.

169 (d) The department may maintain an action in court to
170 enjoin the operation of an unregistered sober house transitional
171 living home that violates this section.

172 Section 3. This act shall take effect July 1, 20134.

173
174 ===== T I T L E A M E N D M E N T =====

175 And the title is amended as follows:

176 Delete everything before the enacting clause
177 and insert:

178 A bill to be entitled
179 An act relating to substance abuse services; amending
180 s. 397.311, F.S.; defining the terms "registerable
181 component" and "sober house operator" as they relate
182 to the Hal S. Marchman Alcohol and Other Drug Services
183 Act; creating s. 397.402, F.S.; requiring a sober
184 house transitional living home to annually register
185 with the Department of Children and Families;
186 requiring background screening of certain personnel;

187 providing for fees and penalties; prohibiting certain
188 advertising; authorizing the department to conduct
189 inspections; authorizing the department to deny,
190 suspend, or revoke the registration of a sober house
191 transitional home; providing an effective date.