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1                   A bill to be entitled  
2           An act relating to substance abuse services; amending  
3           s. 397.311, F.S.; defining the term "sober house  
4           transitional living home" as it relates to the Hal S.  
5           Marchman Alcohol and Other Drug Services Act; amending  
6           s. 397.403, F.S.; requiring that an applicant seeking  
7           licensure for a proposed facility that would provide  
8           specified substance abuse services adhere to local,  
9           municipal, or county standards for zoning and  
10          occupancy; requiring such applicants to provide  
11          written notice to the chief executive officer of the  
12          appropriate local government before receiving  
13          licensure as a substance abuse service provider;  
14          requiring the applicant to stipulate certain criteria  
15          within the notice; requiring the local government to  
16          review the notification and to determine if the  
17          proposed facility and its siting comply with certain  
18          requirements; requiring the local government to notify  
19          the applicant and the Department of Children and  
20          Families of its determination; requiring each sober  
21          house transitional living home in existence on a  
22          certain date to apply for licensure with the  
23          department and give notice to the local government by  
24          a specified date; requiring the local government to  
25          notify the existing sober house transitional living  
26          home and the department of its determination;  
27          providing that a dwelling unit that houses a facility  
28          that is a sober house transitional living home or that

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29 offers certain substance abuse services is subject to  
30 local, municipal, or county zoning and occupancy  
31 standards; providing conflict resolution by informal  
32 mediation under certain circumstances; requiring the  
33 local government to arrange for services of an  
34 independent mediator or initiate dispute resolution  
35 proceedings; providing procedures for the mediation;  
36 providing construction; providing that a city or  
37 county government is not required to adopt a local  
38 ordinance under certain circumstances; providing that  
39 state law prevails over a local ordinance; providing  
40 that a local government is not precluded from adopting  
41 ordinances that govern facilities that offer certain  
42 substance abuse services; providing an effective date.

43  
44 Be It Enacted by the Legislature of the State of Florida:

45  
46 Section 1. Paragraph (a) of subsection (18) of section  
47 397.311, Florida Statutes, is amended to read:

48 397.311 Definitions.—As used in this chapter, except part  
49 VIII, the term:

50 (18) Licensed service components include a comprehensive  
51 continuum of accessible and quality substance abuse prevention,  
52 intervention, and clinical treatment services, including the  
53 following services:

54 (a) "Clinical treatment" means a professionally directed,  
55 deliberate, and planned regimen of services and interventions  
56 that are designed to reduce or eliminate the misuse of drugs and

57 | alcohol and promote a healthy, drug-free lifestyle. As defined  
58 | by rule, "clinical treatment services" include, but are not  
59 | limited to, the following licensable service components:

60 |       1. "Addictions receiving facility" is a secure, acute care  
61 | facility that provides, at a minimum, detoxification and  
62 | stabilization services; is operated 24 hours per day, 7 days per  
63 | week; and is designated by the department to serve individuals  
64 | found to be substance use impaired as described in s. 397.675  
65 | who meet the placement criteria for this component.

66 |       2. "Day or night treatment" is a service provided in a  
67 | nonresidential environment, with a structured schedule of  
68 | treatment and rehabilitative services.

69 |       3. "Day or night treatment with community housing" means a  
70 | program intended for individuals who can benefit from living  
71 | independently in peer community housing while participating in  
72 | treatment services for a minimum of 5 hours a day for a minimum  
73 | of 25 hours per week.

74 |       4. "Detoxification" is a service involving subacute care  
75 | that is provided on an inpatient or an outpatient basis to  
76 | assist individuals to withdraw from the physiological and  
77 | psychological effects of substance abuse and who meet the  
78 | placement criteria for this component.

79 |       5. "Intensive inpatient treatment" includes a planned  
80 | regimen of evaluation, observation, medical monitoring, and  
81 | clinical protocols delivered through an interdisciplinary team  
82 | approach provided 24 hours per day, 7 days per week, in a highly  
83 | structured, live-in environment.

84 |       6. "Intensive outpatient treatment" is a service that

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85 provides individual or group counseling in a more structured  
86 environment, is of higher intensity and duration than outpatient  
87 treatment, and is provided to individuals who meet the placement  
88 criteria for this component.

89 7. "Medication-assisted treatment for opiate addiction" is  
90 a service that uses methadone or other medication as authorized  
91 by state and federal law, in combination with medical,  
92 rehabilitative, and counseling services in the treatment of  
93 individuals who are dependent on opioid drugs.

94 8. "Outpatient treatment" is a service that provides  
95 individual, group, or family counseling by appointment during  
96 scheduled operating hours for individuals who meet the placement  
97 criteria for this component.

98 9. "Residential treatment" is a service provided in a  
99 structured live-in environment within a nonhospital setting on a  
100 24-hours-per-day, 7-days-per-week basis, and is intended for  
101 individuals who meet the placement criteria for this component.

102 10. "Sober house transitional living home" means a  
103 residential dwelling unit that provides a peer-supported,  
104 managed alcohol-free and drug-free living environment.

105 Section 2. Subsections (4) through (9) are added to  
106 section 397.403, Florida Statutes, to read:

107 397.403 License application.—

108 (4) An applicant for licensure under this section must  
109 adhere to local, municipal, or county standards for zoning and  
110 occupancy. After selection of a proposed site, but before  
111 receiving a license under this section, the person or entity  
112 that applies for licensure to operate a sober house transitional

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113 living home as defined in s. 397.311 or to offer day or night  
114 treatment, day or night treatment with community housing, or  
115 residential treatment shall provide written notice to the chief  
116 executive officer of the city or county that governs the area in  
117 which the facility will be located. The applicant shall  
118 stipulate in the notice:

119 (a) That, based upon the most recently published data  
120 compiled by the department, the proposed facility will not be  
121 located within 1,000 feet of a sober house transitional living  
122 home or a similar facility that offers day or night treatment,  
123 day or night treatment with community housing, or residential  
124 treatment. The distance between the proposed facility and an  
125 existing facility shall be measured from the nearest point of  
126 the existing facility to the nearest point of the proposed  
127 facility;

128 (b) The maximum number of residents who will reside at the  
129 proposed facility; and

130 (c) The licensed service components identified in s.  
131 397.311(18) which will be provided at the proposed facility.

132 (5) The city or county government shall review the notice  
133 to determine whether the proposed facility complies with its  
134 zoning and occupancy standards and the distance requirements  
135 specified in paragraph (4) (a). In making its determination, the  
136 city or county government shall also consider whether the siting  
137 of the proposed facility would result in an overconcentration of  
138 facilities in the proximate area of the proposed facility site  
139 which would substantially alter the nature and character of that  
140 area. After making its determination, the city or county

141 government shall notify the applicant and the department of its  
142 determination.

143 (6) No later than September 1, 2013, a residential  
144 dwelling unit that was operating as a sober house transitional  
145 living home on or before July 1, 2013, shall apply for licensure  
146 under this section and shall provide written notice to the city  
147 or county government as provided in subsection (4). The city or  
148 county government shall review the notice and notify the  
149 applicant and the department of its determination pursuant to  
150 subsection (5).

151 (7) A dwelling unit that is a sober house transitional  
152 living home as defined in s. 397.311 or that houses an existing  
153 facility that offers day or night treatment, day or night  
154 treatment with community housing, or residential treatment is  
155 subject to local, municipal, or county zoning and occupancy  
156 standards.

157 (8) If the city or county government determines that an  
158 applicant's proposed facility or its siting does not comply with  
159 subsections (5), (6), or (7), and if it is agreed to by both  
160 parties, a conflict may be resolved through informal mediation.  
161 The city or county government shall arrange for the services of  
162 an independent mediator or may initiate dispute resolution  
163 proceedings under s. 186.509. The mediation process must be  
164 concluded within 45 days after a request for mediation. This  
165 subsection may not be construed as altering the applicant's  
166 statutory or common law rights.

167 (9) This section does not require a city or county  
168 government to adopt a new ordinance if it has a standing

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169 ordinance that meets the criteria specified in subsection (4).  
170 State law that governs a facility that is a sober house  
171 transitional living home as defined in s. 397.311 or that offers  
172 day or night treatment, day or night treatment with community  
173 housing, or residential treatment prevails over a local  
174 ordinance; however, a city or county government is not precluded  
175 from adopting a more liberal ordinance that governs such  
176 facilities.

177 Section 3. This act shall take effect July 1, 2013.