



2018

Legislative  
Issue  
Briefs



## Sober Homes

### Priority Statement:

The Florida League of Cities SUPPORTS legislation requiring certification for all recovery residences and recovery residence administrators to ensure that this vulnerable population is protected and that recovery residence administrators have the competencies necessary to appropriately respond to the needs of residents.

### Background:

In 2008, Congress passed the Mental Health Parity and Addiction Equity Act, which made available additional insurance benefits to people with substance abuse disorders. The passage of the Affordable Care Act in 2010 authorized adults under the age of 26 to use their parents' insurance, required insurance providers to cover pre-existing conditions, and guaranteed coverage despite multiple drug relapses. These changes in insurance benefits opened the floodgates of money going to substance abuse treatment. As a result, recovery residences became big business. Florida has long been a destination for those trying to overcome an addiction. In 2016, a study by Minnesota-based health care company Optum found that more than 75 percent of young adults treated for substance abuse in Florida came from out of state. The increased regulation of pill-mills during this decade limited access to prescription narcotics and has led to an increase in the use of heroin and other more accessible synthetic opioids.

There is little oversight of the recovery residence industry, whereas other areas of the healthcare system are highly regulated by the state. Recovery residences, which house vulnerable patients engaged in intensive outpatient treatment, are essentially self-policed. Legitimate recovery residences avail themselves of a voluntary certification program and agree to operate under higher standards. However, because this certification is voluntary, other sober homes can operate without minimum standards, resulting in the warehousing of patients in substandard housing that encourages anything but sobriety.

Cities have also been negatively impacted. Residential neighborhoods are lined with poorly run sober homes, but the number is unknown because there is no mandatory registration at any level of government. A recent *New York Times* article highlights the problems cities are facing, "With six to 12 people living in a home, noise is unavoidable. Property crime rose 19 percent from 2015 in a Delray Beach neighborhood." Police have coined the term "new homeless," referring to patients who are removed from sober homes once insurance money runs out. These homes not only create nuisances for residents, but are also a burden on local governments. Palm Beach County first responders dealt with 5,000 overdose calls in 2016.

On May 3, 2017, Governor Rick Scott declared a public health emergency in response to the opioid epidemic, allowing the state to tap into federal funding for prevention, treatment and recovery services. The state passed HB 807 by Representative Hager during the 2017 legislative session. The

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bill expands prohibitions on referrals between licensed treatment providers and certain recovery residences, while also prohibiting service providers from engaging in deceptive marketing practices. HB 807 was a good start, but minimum operating standards are needed to protect this vulnerable population.

**Status:**

There are two sets of bills filed relating to recovery residences that are supported by the League. One set is specific to recovery residences, while the other attempts to address the opioid crisis from a broader perspective.

**CS/CS/SB 1418** (Rouson) and **CS/CS/HB 1069** (Hager) address issues related to recovery residences by:

- Allowing a licensed service provider to accept a referral from a noncertified recovery residence if the resident has experienced a recurrence of substance use and it appears that the resident may benefit from such services.
- Prohibiting a recovery residence, its owners, directors, operators, employees or volunteers from benefitting directly (CS/CS/SB 1418 – only directly) or indirectly (CS/CS/HB 1069 – both) from referrals.
- Requiring certified recovery residences to comply with the applicable provisions of the Florida Fire Prevention Code for either one-family and two-family dwellings, public lodging establishments, rooming houses, or other housing facilities, as applicable.
- Expanding the types of offenses for owners, directors and chief financial officers of certified recovery residences, which would prevent these individuals from being involved in recovery residences.
- Expanding the substance abuse treatment staff and volunteers who are subject to a level 2 background screening to include anyone with direct contact with individuals receiving treatment and expanding the types of offenses that would affect their involvement in recovery residences.
- Expanding the crimes for which an individual can receive an exemption from disqualification without the statutorily imposed waiting period, if they are working only with individuals 13 years of age and older.
- Requiring the Department of Children and Families (DCF) to render a decision on an application for exemption from disqualification within 60 days after DCF receives the complete application.
- Allowing an individual to work under supervision for up to 90 days while DCF evaluates his or her application for an exemption from disqualification, so long as it has been five or more years since the individual completed all nonmonetary conditions associated with his or her most recent disqualifying offense.
- Granting the head of the appropriate agency authority to grant an exemption from disqualification, which is limited solely to employment related to providing mental health and substance abuse treatment.

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**CS/HB 21** (Boyd) and **CS/SB 8** (Benacquisto) are comprehensive proposals to address the opioid crisis in Florida. The bills propose a three-day limit on the supply of opioids prescribed for acute pain, unless strict conditions are met for a seven-day supply. All healthcare professionals that prescribe or dispense medication would be required to participate in the Florida Prescription Drug Monitoring Program. The bills also require pharmacists to check the purchaser's identification prior to dispensing a controlled substance. In addition, the bills create, and in some cases enhance, penalties for non-compliance. CS/SB 8 was amended to require each person registered to prescribe controlled substances to complete a board-approved two-hour continuing education course on prescribing controlled substances as part of biennial license renewal. (Cook)

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