

# Meeting Agenda – August 8, 2016

## Sober Homes Task Force (Proviso)

### I. Introductions

### II. Agency Overview

- a. Department of Children and Families (DCF)
- b. Florida Certification Board (FCB)
- c. Florida Association of Recovery Residences (FARR)
- d. Florida Alcohol & Drug Abuse Association (FADAA)

### III. Marketing Proposals

- a. SB 1138's proposals for discussion
  - i. Definition of "marketing practices." § 397.311(24), Fla. Stat.
  - ii. Definition of "substance abuse lead generator." § 397.311, Fla. Stat.
    - 1. *The term "substance abuse information service" as used in the Patient Brokering Statute, § 817.505(3)(i), Fla. Stat., still remains undefined.*
  - iii. Prohibiting Unethical Marketing Practices. § 397.335, Fla. Stat.
    - 1. Prohibits:
      - a. False or misleading statements
      - b. Deceptive website coding that redirects consumers
      - c. Brokering
      - d. Contracts w/ "substance abuse lead generator" unless certain disclosures to consumer are made
        - i. *Application to a "substance abuse information service" as used in the Patient Brokering Statute, § 817.505(3)(i), Fla. Stat., which still remains undefined.*
    - 2. *Lack of criminal penalties*
      - a. Maximum civil penalty of up to \$15,000
  - iv. Proposed changes to Chapter 456
- b. Additional marketing proposals (beyond SB 1138)

#### IV. Tougher Penalties for Preying on a Vulnerable Class

##### a. SB 1138's Proposal

- i. Section 7 of SB 1138 (on page 8 of 16) adds persons with substance abuse disorders to a list of special victims of unfair or deceptive acts or practices in the conduct of any commerce, which is punishable by a fine of up to \$15,000 for every offense. §§ 501.204(1), 501.2077, Fla. Stat.

1. *Discussion about whether same modification should be made to the Criminal Penalties Enhancement Statute for Disabled Victims. § 775.0863, Fla. Stat.*

##### b. Beyond SB 1138

- i. Penalty enhancement for Sale of Controlled Substance Within 1,000 Feet of a Substance Abuse Program or Recovery Residence. § 893.13(1)(c)-(f), Fla. Stat.

#### V. Legislative proposals for mandatory certification of Recovery Residences engaged in commerce with treatment providers

##### a. Mandatory FARR certification

- i. Funding

##### b. Additional licensing requirements (DCF/ACHA/DOH)

##### c. Commerce threshold

#### VI. Funding Opportunities for Counties Most Affected

##### a. Criminal Justice, Mental Health, and Substance Abuse Reinvestment Grant Program (CJMHSARGP). § 394.656(1), Fla. Stat. (2016).

##### b. County Public Safety Coordinating Council. § 394.657(1), Fla. Stat.

##### c. CJMHSARGP Requirements. § 394.658(1), Fla. Stat.

##### d. CJMHSARGP Assistance Center. § 394.659(1)(a), (e), and (f), Fla. Stat.

##### e. Coordination with the Statewide Drug Policy Advisory Council. § 397.333, Fla. Stat.

#### VII. Public comments

#### VIII. Closing remarks