

Meeting Agenda – August 9, 2016

Sober Homes Task Force (Main Group)

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