

By Senator Book

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1 A bill to be entitled
2 An act relating to recovery residences; amending s.
3 397.487, F.S.; removing an obsolete date; requiring
4 that recovery residences obtain certification by a
5 specified date or before commencing operation;
6 creating a criminal penalty for a person who operates
7 a recovery residence without a certificate of
8 compliance; amending s. 397.4871, F.S.; removing an
9 obsolete date; requiring that recovery residence
10 administrators be certified by a specified date or
11 before beginning employment; providing an effective
12 date.

13
14 Be It Enacted by the Legislature of the State of Florida:

15
16 Section 1. Section 397.487, Florida Statutes, is amended to
17 read:

18 397.487 ~~Voluntary~~ Certification of recovery residences.—

19 (1) The Legislature finds that a person suffering from
20 addiction has a higher success rate of achieving long-lasting
21 sobriety when given the opportunity to build a stronger
22 foundation by living in a recovery residence after completing
23 treatment. The Legislature further finds that this state and its
24 subdivisions have a legitimate state interest in protecting
25 these persons, who represent a vulnerable consumer population in
26 need of adequate housing. It is the intent of the Legislature to
27 protect persons who reside in a recovery residence.

28 (2) The department shall approve at least one credentialing
29 entity ~~by December 1, 2015,~~ for the purpose of developing and

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30 administering a ~~voluntary~~ certification program for recovery
31 residences. Recovery residences in operation before October 1,
32 2019, must obtain certification no later than April 1, 2020.
33 Recovery residences established on or after October 1, 2019,
34 must obtain certification before commencing operation. The
35 approved credentialing entity shall:

36 (a) Establish recovery residence certification
37 requirements.

38 (b) Establish procedures to:

39 1. Administer the application, certification,
40 recertification, and disciplinary processes.

41 2. Monitor and inspect a recovery residence and its staff
42 to ensure compliance with certification requirements.

43 3. Interview and evaluate residents, employees, and
44 volunteer staff on their knowledge and application of
45 certification requirements.

46 (c) Provide training for owners, managers, and staff.

47 (d) Develop a code of ethics.

48 (e) Establish application, inspection, and annual
49 certification renewal fees. The application fee may not exceed
50 \$100. Any onsite inspection fee shall reflect actual costs for
51 inspections. The annual certification renewal fee may not exceed
52 \$100.

53 (3) A credentialing entity shall require the recovery
54 residence to submit the following documents with the completed
55 application and fee:

56 (a) A policy and procedures manual containing:

57 1. Job descriptions for all staff positions.

58 2. Drug-testing procedures and requirements.

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59 3. A prohibition ~~on the premises~~ against the possession or
60 use of alcohol and ~~illegal drugs on the premises~~, and against
61 the use of prescribed medications by an individual other than
62 the individual for whom the medication is prescribed.

63 4. Policies to support a resident's recovery efforts.

64 5. A good neighbor policy to address neighborhood concerns
65 and complaints.

66 (b) Rules for residents.

67 (c) Copies of all forms provided to residents.

68 (d) Intake procedures.

69 (e) A sexual predator and sexual offender registry
70 compliance policy.

71 (f) A relapse policy.

72 (g) A fee schedule.

73 (h) A refund policy.

74 (i) Eviction procedures and policy.

75 (j) A code of ethics.

76 (k) Proof of insurance.

77 (l) Proof of background screening.

78 (m) Proof of satisfactory fire, safety, and health
79 inspections.

80 (4) A certified recovery residence must be actively managed
81 by a certified recovery residence administrator. All
82 applications for certification must include the name of the
83 certified recovery residence administrator who will be actively
84 managing the applicant recovery residence.

85 (5) Upon receiving a complete application, a credentialing
86 entity shall conduct an onsite inspection of the recovery
87 residence.

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88 (6) All owners, directors, and chief financial officers of
89 an applicant recovery residence are subject to level 2
90 background screening as provided under chapter 435. A recovery
91 residence is ineligible for certification, and a credentialing
92 entity shall deny a recovery residence's application, if any
93 owner, director, or chief financial officer has been found
94 guilty of, or has entered a plea of guilty or nolo contendere
95 to, regardless of adjudication, any offense listed in s.
96 435.04(2) unless the department has issued an exemption under s.
97 397.4872. In accordance with s. 435.04, the department shall
98 notify the credentialing agency of an owner's, director's, or
99 chief financial officer's eligibility based on the results of
100 his or her background screening.

101 (7) A credentialing entity shall issue a certificate of
102 compliance upon approval of the recovery residence's application
103 and inspection. The certification ~~shall~~ automatically expires
104 ~~terminate~~ 1 year after issuance if not renewed.

105 (8) Onsite followup monitoring of a certified recovery
106 residence may be conducted by the credentialing entity to
107 determine continuing compliance with certification requirements.
108 The credentialing entity shall inspect each certified recovery
109 residence at least annually to ensure compliance.

110 (a) A credentialing entity may suspend or revoke a
111 certification if the recovery residence is not in compliance
112 with any provision of this section or has failed to remedy any
113 deficiency identified by the credentialing entity within the
114 specified time period ~~specified~~.

115 (b) A certified recovery residence must notify the
116 credentialing entity within 3 business days after the removal of

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117 the recovery residence's certified recovery residence
118 administrator due to termination, resignation, or any other
119 reason. The recovery residence must ~~has 30 days to~~ retain a
120 certified recovery residence administrator within 30 days after
121 such termination, resignation, or removal. The credentialing
122 entity shall revoke the certificate of compliance of a certified
123 ~~any~~ recovery residence that fails to comply with this paragraph.

124 (c) If any owner, director, or chief financial officer of a
125 certified recovery residence is arrested for or found guilty of,
126 or enters a plea of guilty or nolo contendere to, regardless of
127 adjudication, any offense listed in s. 435.04(2) while acting in
128 that capacity, the certified recovery residence shall
129 immediately remove the person from that position and shall
130 notify the credentialing entity within 3 business days after
131 such removal. The credentialing entity shall revoke the
132 certificate of compliance of a recovery residence that fails to
133 meet these requirements.

134 (d) A credentialing entity shall revoke a recovery
135 residence's certificate of compliance if the recovery residence
136 provides false or misleading information to the credentialing
137 entity at any time.

138 (9) A person may not operate a recovery residence or
139 ~~advertise to the public, in any way or by any medium whatsoever,~~
140 any recovery residence as a "certified recovery residence"
141 unless such recovery residence has ~~first secured~~ a current and
142 unsuspended certificate of compliance under this section or the
143 recovery residence is authorized to operate without a
144 certificate of compliance under subsection (2). A person who
145 violates this subsection commits a misdemeanor of the first

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146 degree, punishable as provided in s. 775.082 or s. 775.083.

147 (10) (a) A certified recovery residence may allow a minor
148 child to visit a parent who is a resident of the recovery
149 residence. However, ~~provided that~~ a minor child may not visit or
150 remain in the recovery residence between the hours of 9 p.m. and
151 7 a.m. unless:

152 1. A court makes a specific finding that such visitation is
153 in the best interest of the minor child; or

154 2. The recovery residence is a specialized residence for
155 pregnant women or parents whose children reside with them. Such
156 recovery residences may allow children to visit or reside in the
157 residence if the parent does not yet have a time-sharing plan
158 pursuant to s. 61.13, provided that the parent files with the
159 court for establishment of a plan within 14 days of moving into
160 the residence.

161 (b) A certified recovery residence may not allow a minor
162 child to visit a parent who is a resident of the recovery
163 residence at any time if any resident of the recovery residence
164 is currently required to register as a sexual predator under s.
165 775.21 or as a sexual offender under s. 943.0435.

166 Section 2. Subsections (1) and (2) of section 397.4871,
167 Florida Statutes, are amended to read:

168 397.4871 Recovery residence administrator certification.—

169 (1) It is the intent of the Legislature that a recovery
170 residence administrator ~~voluntarily~~ earn and maintain
171 certification from a credentialing entity approved by the
172 Department of Children and Families. The Legislature further
173 intends that certification ensure that an administrator has the
174 competencies necessary to appropriately respond to the needs of

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175 residents, to maintain residence standards, and to meet
176 residence certification requirements.

177 (2) The department shall approve at least one credentialing
178 entity ~~by December 1, 2015,~~ for the purpose of developing and
179 administering a ~~voluntary~~ credentialing program for
180 administrators. Recovery residence administrators employed by a
181 recovery residence before October 1, 2019, must obtain
182 certification no later than April 1, 2020. Recovery residence
183 administrators hired on or after October 1, 2019, must obtain
184 certification before beginning employment at a recovery
185 residence. The department shall approve any credentialing entity
186 that the department endorses pursuant to s. 397.321(15) if the
187 credentialing entity also meets the requirements of this
188 section. The approved credentialing entity shall:

189 (a) Establish recovery residence administrator core
190 competencies, certification requirements, testing instruments,
191 and recertification requirements.

192 (b) Establish a process to administer the certification
193 application, award, and maintenance processes.

194 (c) Develop and administer:

195 1. A code of ethics and disciplinary process.

196 2. Biennial continuing education requirements and annual
197 certification renewal requirements.

198 3. An education provider program to approve training
199 entities that are qualified to provide precertification training
200 to applicants and continuing education opportunities to
201 certified persons.

202 Section 3. This act shall take effect October 1, 2019.