

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 recovery residences to 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 while receiving
23 treatment or after completing treatment. The Legislature further
24 finds that this state and its subdivisions have a legitimate
25 state interest in protecting these persons, who represent a
26 vulnerable consumer population in need of adequate housing. It
27 is the intent of the Legislature to protect persons who reside
28 in a recovery residence.

29 (2) The department shall approve at least one credentialing

32-01880-21

20211516__

30 entity ~~by December 1, 2015,~~ for the purpose of developing and
31 administering a ~~voluntary~~ certification program for recovery
32 residences. Recovery residences in operation before October 1,
33 2021, must obtain certification no later than April 1, 2022.
34 Recovery residences established on or after October 1, 2021,
35 must obtain certification before commencing operation. The
36 approved credentialing entity shall:

37 (a) Establish recovery residence certification
38 requirements.

39 (b) Establish procedures to:

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

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

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

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

48 (d) Develop a code of ethics.

49 (e) Establish application, inspection, and annual
50 certification renewal fees. The application fee may not exceed
51 \$100. Any onsite inspection fee shall reflect actual costs for
52 inspections. The annual certification renewal fee may not exceed
53 \$100.

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

57 (a) A policy and procedures manual containing:

58 1. Job descriptions for all staff positions.

32-01880-21

20211516__

- 59 2. Drug-testing procedures and requirements.
- 60 3. A prohibition ~~on the premises~~ against the possession or
61 use of alcohol and ~~illegal drugs on the premises~~, and against
62 the use of prescribed medications by an individual other than
63 the individual for whom the medication is prescribed.
- 64 4. Policies to support a resident's recovery efforts.
- 65 5. A good neighbor policy to address neighborhood concerns
66 and complaints.
- 67 (b) Rules for residents.
- 68 (c) Copies of all forms provided to residents.
- 69 (d) Intake procedures.
- 70 (e) A sexual predator and sexual offender registry
71 compliance policy.
- 72 (f) A relapse policy.
- 73 (g) A fee schedule.
- 74 (h) A refund policy.
- 75 (i) Eviction procedures and policy.
- 76 (j) A code of ethics.
- 77 (k) Proof of insurance.
- 78 (l) Proof of background screening.
- 79 (m) Proof of satisfactory fire, safety, and health
80 inspections.
- 81 (4) A certified recovery residence must be actively managed
82 by a certified recovery residence administrator. All
83 applications for certification must include the name of the
84 certified recovery residence administrator who will be actively
85 managing the applicant recovery residence.
- 86 (5) Upon receiving a complete application, a credentialing
87 entity shall conduct an onsite inspection of the recovery

32-01880-21

20211516__

88 residence.

89 (6) All owners, directors, and chief financial officers of
90 an applicant recovery residence are subject to level 2
91 background screening as provided under s. 408.809 and chapter
92 435. A recovery residence is ineligible for certification, and a
93 credentialing entity shall deny a recovery residence's
94 application, if any owner, director, or chief financial officer
95 has been found guilty of, or has entered a plea of guilty or
96 nolo contendere to, regardless of adjudication, any offense
97 listed in s. 408.809(4) or s. 435.04(2) unless the department
98 has issued an exemption under s. 435.07. In accordance with s.
99 435.04, the department shall notify the credentialing agency of
100 an owner's, director's, or chief financial officer's eligibility
101 based on the results of his or her background screening.

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

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

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

116 (b) A certified recovery residence must notify the

32-01880-21

20211516__

117 credentialing entity within 3 business days after the removal of
118 the recovery residence's certified recovery residence
119 administrator due to termination, resignation, or any other
120 reason. The recovery residence must ~~has 30 days to~~ retain a
121 certified recovery residence administrator within 30 days after
122 such termination, resignation, or removal. The credentialing
123 entity shall revoke the certificate of compliance of a certified
124 ~~any~~ recovery residence that fails to comply with this paragraph.

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

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

139 (e) Any decision by a department-recognized credentialing
140 entity to deny, revoke, or suspend a certification, or otherwise
141 impose sanctions on a recovery residence, is reviewable by the
142 department. Upon receiving an adverse determination, the
143 recovery residence may request an administrative hearing
144 pursuant to ss. 120.569 and 120.57(1) within 30 days after
145 completing any appeals process offered by the credentialing

32-01880-21

20211516__

146 entity or the department, as applicable.

147 (9) A person may not operate a recovery residence or
148 ~~advertise to the public, in any way or by any medium whatsoever,~~
149 any recovery residence as a "certified recovery residence"
150 unless such recovery residence has ~~first secured~~ a current and
151 unsuspended certificate of compliance under this section or the
152 recovery residence is authorized to operate without a
153 certificate of compliance under subsection (2). A person who
154 violates this subsection commits a misdemeanor of the first
155 degree, punishable as provided in s. 775.082 or s. 775.083.

156 (10) (a) A certified recovery residence may allow a minor
157 child to visit a parent who is a resident of the recovery
158 residence. However, ~~provided that~~ a minor child may not visit or
159 remain in the recovery residence between the hours of 9 p.m. and
160 7 a.m. unless:

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

163 2. The recovery residence is a specialized residence for
164 pregnant women or parents whose children reside with them. Such
165 recovery residences may allow children to visit or reside in the
166 residence if the parent does not yet have a time-sharing plan
167 pursuant to s. 61.13, provided that the parent files with the
168 court for establishment of a plan within 14 days of moving into
169 the residence.

170 (b) A certified recovery residence may not allow a minor
171 child to visit a parent who is a resident of the recovery
172 residence at any time if any resident of the recovery residence
173 is currently required to register as a sexual predator under s.
174 775.21 or as a sexual offender under s. 943.0435.

32-01880-21

20211516__

175 (11) Notwithstanding any landlord and tenant rights and
176 obligations under chapter 83, a recovery residence that is
177 certified under this section and has a discharge policy approved
178 by a department-recognized credentialing entity may immediately
179 discharge or transfer a resident in accordance with that policy
180 under any of the following circumstances:

181 (a) The discharge or transfer is necessary for the
182 resident's welfare.

183 (b) The resident's needs cannot be met at the recovery
184 residence.

185 (c) The health and safety of other residents or recovery
186 residence employees is at risk or would be at risk if the
187 resident continues to live at the recovery residence.

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

190 397.4871 Recovery residence administrator certification.—

191 (1) It is the intent of the Legislature that a recovery
192 residence administrator ~~voluntarily~~ earn and maintain
193 certification from a credentialing entity approved by the
194 Department of Children and Families. The Legislature further
195 intends that certification ensure that an administrator has the
196 competencies necessary to appropriately respond to the needs of
197 residents, to maintain residence standards, and to meet
198 residence certification requirements.

199 (2) The department shall approve at least one credentialing
200 entity ~~by December 1, 2015,~~ for the purpose of developing and
201 administering a ~~voluntary~~ credentialing program for
202 administrators. Recovery residence administrators employed by a
203 recovery residence before October 1, 2021, must obtain

32-01880-21

20211516__

204 certification no later than April 1, 2022. Recovery residence
205 administrators hired on or after October 1, 2021, must obtain
206 certification before beginning employment at a recovery
207 residence. The department shall approve any credentialing entity
208 that the department endorses pursuant to s. 397.321(15) if the
209 credentialing entity also meets the requirements of this
210 section. The approved credentialing entity shall:

211 (a) Establish recovery residence administrator core
212 competencies, certification requirements, testing instruments,
213 and recertification requirements.

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

216 (c) Develop and administer:

217 1. A code of ethics and disciplinary process.

218 2. Biennial continuing education requirements and annual
219 certification renewal requirements.

220 3. An education provider program to approve training
221 entities that are qualified to provide precertification training
222 to applicants and continuing education opportunities to
223 certified persons.

224 Section 3. This act shall take effect October 1, 2021.