

1 A bill to be entitled
2 An act relating to substance abuse service providers;
3 amending s. 397.403, F.S.; providing criminal
4 penalties for making certain false representations or
5 omissions of material facts when applying for service
6 provider licenses; amending s. 397.415, F.S.;
7 requiring the Department of Children and Families to
8 suspend a service provider's license under certain
9 circumstances; amending ss. 397.487 and 397.4871,
10 F.S.; revising the circumstances under which a
11 credentialing entity is not required to deny an
12 application for certification of a recovery residence
13 or a recovery residence administrator, respectively;
14 amending s. 397.4873, F.S.; revising applicability;
15 revising civil penalties; requiring the department to
16 suspend a service provider's license under certain
17 circumstances; amending s. 553.80, F.S.; prohibiting
18 certain dwellings used as recovery residences from
19 being reclassified for purposes of enforcing the
20 Florida Building Code; amending s. 633.208, F.S.;
21 prohibiting a property owner from being required to
22 install fire sprinklers in a residential property
23 under certain circumstances; providing an effective
24 date.
25

26 Be It Enacted by the Legislature of the State of Florida:

27

28 Section 1. Subsection (5) is added to section 397.403,
 29 Florida Statutes, to read:

30 397.403 License application.—

31 (5) An applicant who willfully, knowingly, and
 32 intentionally makes a false representation of material fact in a
 33 license application or who willfully, knowingly, and
 34 intentionally omits any material fact from a license application
 35 commits a felony of the third degree, punishable as provided in
 36 s. 775.082 or s. 775.083.

37 Section 2. Paragraph (a) of subsection (1) of section
 38 397.415, Florida Statutes, is amended to read:

39 397.415 Denial, suspension, and revocation; other
 40 remedies.—

41 (1) If the department determines that an applicant or
 42 licensed service provider or licensed service component thereof
 43 is not in compliance with all statutory and regulatory
 44 requirements, the department may deny, suspend, revoke, or
 45 impose reasonable restrictions or penalties on the license or
 46 any portion of the license. In such case:

47 (a) The department may:

48 1. Impose an administrative fine for a violation that is
 49 designated as a class I, class II, class III, or class IV
 50 violation pursuant to s. 397.411.

51 2. Impose an administrative fine for a violation that is
52 not designated as a class I, class II, class III, or class IV
53 violation pursuant to s. 397.411. Unless otherwise specified by
54 law, the amount of the fine may not exceed \$500 for each
55 violation. Unclassified violations may include:

- 56 a. Violating any term or condition of a license.
57 b. Violating any provision of this chapter or applicable
58 rules.
59 c. Providing services beyond the scope of the license.
60 d. Violating a moratorium imposed pursuant to this
61 section.

62 3. Establish criteria by rule for the amount or aggregate
63 limitation of administrative fines applicable to this chapter
64 and applicable rules, unless the amount or aggregate limitation
65 of the fine is prescribed by statute. Each day of violation
66 constitutes a separate violation and is subject to a separate
67 fine. For fines imposed by final order of the department and not
68 subject to further appeal, the violator shall pay the fine plus
69 interest at the rate specified in s. 55.03 for each day beyond
70 the date set by the department for payment of the fine. If a
71 violator does not pay the fine plus any applicable interest
72 within 60 days after the date set by the department, the
73 department shall immediately suspend the violator's license.

74 Section 3. Subsection (6) of section 397.487, Florida
75 Statutes, is amended to read:

76 397.487 Voluntary certification of recovery residences.—

77 (6) All owners, directors, and chief financial officers of
78 an applicant recovery residence are subject to level 2
79 background screening as provided under s. 408.809 and chapter
80 435. A recovery residence is ineligible for certification, and a
81 credentialing entity shall deny a recovery residence's
82 application, if any owner, director, or chief financial officer
83 has been found guilty of, or has entered a plea of guilty or
84 nolo contendere to, regardless of adjudication, any offense
85 listed in s. 408.809(4) or s. 435.04(2) unless the department
86 has issued an exemption under s. 435.07 or the credentialing
87 entity determines that the owner, director, or chief financial
88 officer meets the requirements for an exemption from
89 disqualification under s. 397.4073 or s. 435.07. In accordance
90 with s. 435.04, the department shall notify the credentialing
91 agency of an owner's, director's, or chief financial officer's
92 eligibility based on the results of his or her background
93 screening.

94 Section 4. Subsection (5) of section 397.4871, Florida
95 Statutes, is amended to read:

96 397.4871 Recovery residence administrator certification.—

97 (5) All applicants are subject to level 2 background
98 screening as provided under chapter 435. An applicant is
99 ineligible, and a credentialing entity shall deny the
100 application, if the applicant has been found guilty of, or has

101 entered a plea of guilty or nolo contendere to, regardless of
 102 adjudication, any offense listed in s. 408.809 or s. 435.04(2)
 103 unless the department has issued an exemption under s. 435.07 or
 104 the credentialing entity determines that the applicant meets the
 105 requirements for an exemption from disqualification under s.
 106 397.4073 or s. 435.07. In accordance with s. 435.04, the
 107 department shall notify the credentialing agency of the
 108 applicant's eligibility based on the results of his or her
 109 background screening.

110 Section 5. Paragraphs (b) through (d) of subsection (2) of
 111 section 397.4873, Florida Statutes, are redesignated as
 112 paragraphs (a) through (c), respectively, and paragraph (a) of
 113 subsection (2) and subsection (6) of that section are amended,
 114 to read:

115 397.4873 Referrals to or from recovery residences;
 116 prohibitions; penalties.—

117 (2) Subsection (1) does not apply to:

118 ~~(a) A licensed service provider under contract with a~~
 119 ~~managing entity as defined in s. 394.9082.~~

120 (6) ~~After June 30, 2019,~~ A licensed service provider that
 121 violates ~~violating~~ this section is ~~shall be~~ subject to an
 122 administrative fine of \$1,000 per occurrence. If such fine is
 123 imposed by final order of the department and is not subject to
 124 further appeal, the service provider shall pay the fine plus
 125 interest at the rate specified in s. 55.03 for each day beyond

126 | the date set by the department for payment of the fine. If the
127 | service provider does not pay the fine plus any applicable
128 | interest within 60 days after the date set by the department,
129 | the department shall immediately suspend the service provider's
130 | license. Repeat violations of this section may subject a
131 | provider to license suspension or revocation pursuant to s.
132 | 397.415.

133 | Section 6. Subsection (9) is added to section 553.80,
134 | Florida Statutes, to read:

135 | 553.80 Enforcement.—

136 | (9) A single-family or two-family dwelling that is a
137 | certified recovery residence, as defined in s. 397.311, or that
138 | is a recovery residence, as defined in s. 397.311, that has a
139 | charter from an entity recognized or sanctioned by Congress may
140 | not be reclassified for purposes of enforcing the Florida
141 | Building Code solely due to such use.

142 | Section 7. Subsection (10) of section 633.208, Florida
143 | Statutes, is amended to read:

144 | 633.208 Minimum firesafety standards.—

145 | (10) Notwithstanding subsection (8), a property owner may
146 | not be required to install fire sprinklers in any residential
147 | property based upon:

148 | (a) The use of such property as a rental property or any
149 | change in or reclassification of the property's primary use to a
150 | rental property;

151 (b) The use of such property as a certified recovery
152 residence, as defined in s. 397.311, or any change in or
153 reclassification of the property's primary use to a certified
154 recovery residence; or

155 (c) The use of such property as a recovery residence, as
156 defined in s. 397.311, if the recovery residence has a charter
157 from an entity recognized or sanctioned by Congress.

158 Section 8. This act shall take effect July 1, 2021.