

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.; applying specified exemptions from  
11          disqualification to the application for certification  
12          of a recovery residence or a recovery residence  
13          administrator, respectively; amending s. 397.4873,  
14          F.S.; revising civil penalties; requiring the  
15          department to suspend a service provider's license  
16          under certain circumstances; amending s. 553.80, F.S.;  
17          providing that certain dwellings converted to recovery  
18          residences do not have a change of occupancy under the  
19          Florida Building Code due to such conversion; amending  
20          s. 633.208, F.S.; prohibiting a property owner from  
21          being required to install fire sprinklers in a  
22          certified recovery residence or a recovery residence  
23          that has a charter from an entity recognized or  
24          sanctioned by Congress; providing an effective 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. Exemptions from  
 87 | disqualification applicable to service provider personnel  
 88 | pursuant to s. 397.4073 or s. 435.07 shall apply to this  
 89 | subsection. In accordance with s. 435.04, the department shall  
 90 | notify the credentialing agency of an owner's, director's, or  
 91 | chief financial officer's eligibility based on the results of  
 92 | his or her background screening.

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

95 |           397.4871 Recovery residence administrator certification.—

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

101 adjudication, any offense listed in s. 408.809 or s. 435.04(2)  
102 unless the department has issued an exemption under s. 435.07.  
103 Exemptions from disqualification applicable to service provider  
104 personnel pursuant to s. 397.4073 or s. 435.07 shall apply to  
105 this subsection. In accordance with s. 435.04, the department  
106 shall notify the credentialing agency of the applicant's  
107 eligibility based on the results of his or her background  
108 screening.

109 Section 5. Subsection (6) of section 397.4873, Florida  
110 Statutes, is amended to read:

111 397.4873 Referrals to or from recovery residences;  
112 prohibitions; penalties.—

113 (6) ~~After June 30, 2019,~~ A licensed service provider that  
114 violates ~~violating~~ this section is ~~shall be~~ subject to an  
115 administrative fine of \$1,000 per occurrence. If such fine is  
116 imposed by final order of the department and is not subject to  
117 further appeal, the service provider shall pay the fine plus  
118 interest at the rate specified in s. 55.03 for each day beyond  
119 the date set by the department for payment of the fine. If the  
120 service provider does not pay the fine plus any applicable  
121 interest within 60 days after the date set by the department,  
122 the department shall immediately suspend the service provider's  
123 license. Repeat violations of this section may subject a  
124 provider to license suspension or revocation pursuant to s.  
125 397.415.

126 Section 6. Subsection (9) is added to section 553.80,  
127 Florida Statutes, to read:

128 553.80 Enforcement.—

129 (9) A single-family or two-family dwelling that is  
130 converted into a certified recovery residence, as defined in s.  
131 397.311, or a recovery residence, as defined in s. 397.311, that  
132 has a charter from an entity recognized or sanctioned by  
133 Congress does not have a change of occupancy as defined in the  
134 Florida Building Code solely due to such conversion.

135 Section 7. Paragraph (c) is added to subsection (8) of  
136 section 633.208, Florida Statutes, to read:

137 633.208 Minimum firesafety standards.—

138 (8)

139 (c) A property owner may not be required to install fire  
140 sprinklers in a one-family or two-family dwelling that is  
141 converted into a certified recovery residence, as defined in s.  
142 397.311, or a recovery residence, as defined in 397.311, that  
143 has a charter from an entity recognized or sanctioned by  
144 Congress based solely upon the use of such property as a  
145 recovery residence or any change in or reclassification of the  
146 property's primary use to a recovery residence.

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