

By Senator Harrell

25-00661A-21

2021804__

1 A bill to be entitled
2 An act relating to substance abuse services; amending
3 s. 397.403, F.S.; providing criminal penalties for
4 making certain false representations or omissions of
5 material facts when applying for service provider
6 licenses; amending s. 397.415, F.S.; requiring the
7 Department of Children and Families to suspend a
8 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:

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

25-00661A-21

2021804__

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.

25-00661A-21

2021804__

59 c. Providing services beyond the scope of the license.

60 d. Violating a moratorium imposed pursuant to this section.

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

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

75 397.487 Voluntary certification of recovery residences.—

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

25-00661A-21

2021804__

88 disqualification under s. 397.4073 or s. 435.07. In accordance
89 with s. 435.04, the department shall notify the credentialing
90 agency of an owner's, director's, or chief financial officer's
91 eligibility based on the results of his or her background
92 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 or
103 the credentialing entity determines that the applicant meets the
104 requirements for an exemption from disqualification under s.
105 397.4073 or s. 435.07. In accordance with s. 435.04, the
106 department shall notify the credentialing agency of the
107 applicant's eligibility based on the results of his or her
108 background screening.

109 Section 5. Paragraph (a) of subsection (2) and subsection
110 (6) of section 397.4873, Florida Statutes, are amended to read:

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

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

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

116 (6) ~~After June 30, 2019,~~ A licensed service provider that

25-00661A-21

2021804__

117 violates ~~violating~~ this section is ~~shall be~~ subject to an
118 administrative fine of \$1,000 per occurrence. If such fine is
119 imposed by final order of the department and is not subject to
120 further appeal, the service provider shall pay the fine plus
121 interest at the rate specified in s. 55.03 for each day beyond
122 the date set by the department for payment of the fine. If the
123 service provider does not pay the fine plus any applicable
124 interest within 60 days after the date set by the department,
125 the department shall immediately suspend the service provider's
126 license. Repeat violations of this section may subject a
127 provider to license suspension or revocation pursuant to s.
128 397.415.

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

131 553.80 Enforcement.—

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

138 Section 7. Subsection (10) of section 633.208, Florida
139 Statutes, is amended to read:

140 633.208 Minimum firesafety standards.—

141 (10) Notwithstanding subsection (8), a property owner may
142 not be required to install fire sprinklers in any residential
143 property based upon:

144 (a) The use of such property as a rental property or any
145 change in or reclassification of the property's primary use to a

25-00661A-21

2021804__

146 rental property;

147 (b) The use of such property as a certified recovery
148 residence, as defined in s. 397.311, or any change in or
149 reclassification of the property's primary use to a certified
150 recovery residence; or

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

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