

By the Committee on Children, Families, and Elder Affairs; and
Senator Harrell

586-02350-21

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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.; expanding the applicability of certain
11 exemptions for disqualification to applications for
12 certification of a recovery residence or a recovery
13 residence administrator, respectively; amending s.
14 397.4873, F.S.; revising applicability; revising civil
15 penalties; requiring the department to suspend a
16 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:

586-02350-21

2021804c1

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.

586-02350-21

2021804c1

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. Exemptions from
86 disqualification applicable to service providers pursuant to s.
87 435.07 or s. 397.4073 shall apply to this subsection. In

586-02350-21

2021804c1

88 accordance with s. 435.04, the department shall notify the
89 credentialing agency of an owner's, director's, or chief
90 financial officer's eligibility based on the results of his or
91 her background screening.

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

94 397.4871 Recovery residence administrator certification.—

95 (5) All applicants are subject to level 2 background
96 screening as provided under chapter 435. An applicant is
97 ineligible, and a credentialing entity shall deny the
98 application, if the applicant has been found guilty of, or has
99 entered a plea of guilty or nolo contendere to, regardless of
100 adjudication, any offense listed in s. 408.809 or s. 435.04(2)
101 unless the department has issued an exemption under s. 435.07.
102 Exemptions from disqualification applicable to service providers
103 pursuant to s. 435.07 or s. 397.4073 shall apply to this
104 subsection. In accordance with s. 435.04, the department shall
105 notify the credentialing agency of the applicant's eligibility
106 based on the results of his or her background screening.

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

109 397.4873 Referrals to or from recovery residences;
110 prohibitions; penalties.—

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

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

114 (6) ~~After June 30, 2019,~~ A licensed service provider that
115 violates ~~violating~~ this section is ~~shall be~~ subject to an
116 administrative fine of \$1,000 per occurrence. If such fine is

586-02350-21

2021804c1

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

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

129 553.80 Enforcement.—

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

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

138 633.208 Minimum firesafety standards.—

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

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

145 (b) The use of such property as a certified recovery

586-02350-21

2021804c1

146 residence, as defined in s. 397.311, or any change in or
147 reclassification of the property's primary use to a certified
148 recovery residence; or

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

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