

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

578-03316-21

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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 civil penalties; requiring
15 the department to suspend a service provider's license
16 under certain circumstances; amending s. 553.80, F.S.;
17 specifying that certain dwellings converted to
18 recovery residences do not have a change of occupancy
19 under the Florida Building Code due to such
20 conversion; amending s. 633.208, F.S.; prohibiting the
21 reclassification of certain dwellings certified as
22 recovery residences for purposes of enforcing the
23 Florida Fire Prevention Code; providing an effective
24 date.

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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:

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30 397.403 License application.—

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

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

38 397.415 Denial, suspension, and revocation; other
39 remedies.—

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

46 (a) The department may:

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

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

55 a. Violating any term or condition of a license.

56 b. Violating any provision of this chapter or applicable
57 rules.

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

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

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

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

74 397.487 Voluntary certification of recovery residences.—

75 (6) All owners, directors, and chief financial officers of
76 an applicant recovery residence are subject to level 2
77 background screening as provided under s. 408.809 and chapter
78 435. A recovery residence is ineligible for certification, and a
79 credentialing entity shall deny a recovery residence's
80 application, if any owner, director, or chief financial officer
81 has been found guilty of, or has entered a plea of guilty or
82 nolo contendere to, regardless of adjudication, any offense
83 listed in s. 408.809(4) or s. 435.04(2) unless the department
84 has issued an exemption under s. 435.07. Exemptions from
85 disqualification applicable to service provider personnel
86 pursuant to s. 397.4073 or s. 435.07 shall apply to this
87 subsection. In accordance with s. 435.04, the department shall

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

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

93 397.4871 Recovery residence administrator certification.—

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

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

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

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

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117 the date set by the department for payment of the fine. If the
118 service provider does not pay the fine plus any applicable
119 interest within 60 days after the date set by the department,
120 the department shall immediately suspend the service provider's
121 license. Repeat violations of this section may subject a
122 provider to license suspension or revocation pursuant to s.
123 397.415.

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

126 553.80 Enforcement.—

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

133 Section 7. Subsection (11) is added to section 633.208,
134 Florida Statutes, to read:

135 633.208 Minimum firesafety standards.—

136 (11) Notwithstanding subsection (8), a single-family or
137 two-family dwelling that is a certified recovery residence, as
138 defined in s. 397.311, or that is a recovery residence, as
139 defined in s. 397.311, that has a charter from an entity
140 recognized or sanctioned by Congress may not be reclassified for
141 purposes of enforcing the Florida Fire Prevention Code solely
142 due to such use.

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