

1                   A bill to be entitled  
2           An act relating to substance abuse service providers;  
3           amending s. 394.76, F.S.; revising the types of  
4           expenditures for district programs and services that  
5           are eligible for state payment; amending s. 397.403,  
6           F.S.; requiring service provider applicants to include  
7           the names and locations of certain recovery residences  
8           in their license applications; creating s. 397.4104,  
9           F.S.; requiring service providers to provide the  
10          Department of Children and Families with a record of  
11          certain recovery residences by a specified date;  
12          requiring service providers to notify the department  
13          of any changes to the record within a specified  
14          timeframe; providing civil penalties; amending s.  
15          397.4871, F.S.; requiring certified recovery residence  
16          administrators to demonstrate the ability to meet  
17          specified requirements; prohibiting certified recovery  
18          residence administrators from actively managing more  
19          than a specified number of residents; providing an  
20          exception; deleting a provision prohibiting certified  
21          recovery residence administrators from actively  
22          managing more than three recovery residences; amending  
23          s. 397.501, F.S.; requiring service providers to  
24          return an individual's personal effects upon the  
25          individual's discharge; providing an effective date.

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

Section 1. Subsection (7) of section 394.76, Florida Statutes, is amended to read:

394.76 Financing of district programs and services.—If the local match funding level is not provided in the General Appropriations Act or the substantive bill implementing the General Appropriations Act, such funding level shall be provided as follows:

(7) The expenditures which are subject to state payment include expenditures that are approved in the district plan for: salaries of personnel; approved facilities and services provided through contract; operation, maintenance, and service cost; contingency management programs authorized by a managing entity, and subject to limitations on value imposed by the Federal Government or established by department rule, in which participants are provided noncash incentives for positive progress in their recovery while under the care of a publicly funded substance abuse treatment provider; depreciation of facilities; and such other expenditures as may be approved by the district administrator. Such expenditures do not include expenditures for compensation to members of a community agency board, except the actual and necessary expenses incurred in the performance of official duties, or expenditures for a purpose

51 for which state payment is claimed under any other provision of  
52 law.

53 Section 2. Paragraph (j) is added to subsection (1) of  
54 section 397.403, Florida Statutes, to read:

55 397.403 License application.—

56 (1) Applicants for a license under this chapter must apply  
57 to the department on forms provided by the department and in  
58 accordance with rules adopted by the department. Applications  
59 must include at a minimum:

60 (j) The names and locations of any recovery residences to  
61 which the applicant service provider plans to refer patients or  
62 from which the applicant service provider plans to accept  
63 patients.

64 Section 3. Section 397.4104, Florida Statutes, is created  
65 to read:

66 397.4104 Record of recovery residences used by service  
67 providers.—

68 (1) By July 1, 2022, a service provider shall provide the  
69 department with a record including the name and location of each  
70 recovery residence that the service provider has referred  
71 patients to or received patients from and update the record with  
72 any changes that occur. A service provider shall notify the  
73 department of any change in the record within 30 business days  
74 after the change.

75 (2) Beginning October 1, 2022, a licensed service provider

76 that violates this section is subject to an administrative fine  
 77 of \$1,000 per occurrence. The department may suspend or revoke a  
 78 service provider's license pursuant to s. 397.415 for repeat  
 79 violations of this section.

80 Section 4. Subsection (8) of section 397.4871, Florida  
 81 Statutes, is amended to read:

82 397.4871 Recovery residence administrator certification.—

83 (8)(a) A certified recovery residence administrator must  
 84 demonstrate the ability to effectively and appropriately respond  
 85 to the needs of residents, to maintain residence standards, and  
 86 to meet the certification requirements of this section.

87 (b) A certified recovery residence administrator may not  
 88 actively manage more than 50 residents at any given time unless  
 89 written justification is provided to, and approved by, the  
 90 credentialing entity as to how the administrator is able to  
 91 effectively and appropriately respond to the needs of the  
 92 residents, to maintain residence standards, and to meet the  
 93 residence certification requirements of this section. However, a  
 94 certified recovery residence administrator may not actively  
 95 manage more than 100 residents ~~no more than three recovery~~  
 96 ~~residences~~ at any given time.

97 Section 5. Subsection (5) of section 397.501, Florida  
 98 Statutes, is amended to read:

99 397.501 Rights of individuals.—Individuals receiving  
 100 substance abuse services from any service provider are

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101 guaranteed protection of the rights specified in this section,  
102 unless otherwise expressly provided, and service providers must  
103 ensure the protection of such rights.

104 (5) RIGHT TO CARE AND CUSTODY OF PERSONAL EFFECTS.—An  
105 individual has the right to possess clothing and other personal  
106 effects. The service provider may take temporary custody of the  
107 individual's personal effects only when required for medical or  
108 safety reasons, with the reason for taking custody and a list of  
109 the personal effects recorded in the individual's clinical  
110 record. A service provider shall return an individual's personal  
111 effects upon the individual's discharge, even if the discharge  
112 is against medical advice.

113 Section 6. This act shall take effect upon becoming a law.