

2022704e1

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 which
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 application; creating s. 397.4104,
9 F.S.; requiring service providers to record specified
10 information in the Department of Children and
11 Families' Provider Licensure and Designations System
12 after a specified date; requiring service providers to
13 update the record with any changes 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.

26
27 Be It Enacted by the Legislature of the State of Florida:

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29 Section 1. Subsection (7) of section 394.76, Florida

2022704e1

30 Statutes, is amended to read:

31 394.76 Financing of district programs and services.—If the
32 local match funding level is not provided in the General
33 Appropriations Act or the substantive bill implementing the
34 General Appropriations Act, such funding level shall be provided
35 as follows:

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

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

54 397.403 License application.—

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

2022704e1

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

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

65 397.4104 Record of recovery residences used by service
66 providers.—

67 (1) By July 1, 2022, a service provider shall record in the
68 department's Provider Licensure and Designations System the name
69 and location of each recovery residence that the service
70 provider has referred patients to or received patients from and
71 update the record with any changes that occur. A service
72 provider must update such record within 30 business days after
73 the change.

74 (2) Beginning July 1, 2022, a licensed service provider
75 that violates this section is subject to an administrative fine
76 of \$1,000 per occurrence. The department may suspend or revoke a
77 service provider's license pursuant to s. 397.415 for repeat
78 violations of this section.

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

81 397.4871 Recovery residence administrator certification.—

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

86 (b) A certified recovery residence administrator may not
87 actively manage more than 50 residents at any given time unless

2022704e1

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

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

98 397.501 Rights of individuals.—Individuals receiving
99 substance abuse services from any service provider are
100 guaranteed protection of the rights specified in this section,
101 unless otherwise expressly provided, and service providers must
102 ensure the protection of such rights.

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

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