

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

586-02748-23

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1 A bill to be entitled
2 An act relating to substance abuse and mental health
3 services; amending s. 397.487, F.S.; specifying the
4 purpose of certain inspections by credentialing
5 entities; revising authorizations relating to onsite
6 monitoring of certified recovery residences by
7 credentialing entities; revising requirements relating
8 to the removal and replacement of certified recovery
9 residence administrators; revising requirements
10 relating to credentialing entities denying, revoking,
11 or suspending certifications or imposing sanctions on
12 a recovery residence; requiring credentialing entities
13 to keep specified records and make such records
14 available to the Division of Administrative Hearings
15 upon request; amending s. 397.4871, F.S.; authorizing
16 credentialing entities to approve certain certified
17 recovery residence administrators to actively manage
18 up to a specified number of residents if certain
19 requirements are met; prohibiting certain certified
20 recovery residence administrators who have been
21 removed from a recovery residence from continuing to
22 actively manage more than a specified number of
23 residents without being reapproved by a credentialing
24 entity; providing an effective date.

25
26 Be It Enacted by the Legislature of the State of Florida:
27

28 Section 1. Subsections (5) and (8) of section 397.487,
29 Florida Statutes, are amended to read:

586-02748-23

20231010c1

30 397.487 Voluntary certification of recovery residences.—

31 (5) Upon receiving a completed ~~complete~~ application, a
32 credentialing entity shall conduct an onsite inspection of the
33 recovery residence to determine whether the applicant meets the
34 certification requirements.

35 (8) Periodic onsite ~~followup~~ monitoring of a certified
36 recovery residence may be conducted by the credentialing entity
37 to determine continuing compliance with certification
38 requirements. The credentialing entity shall inspect each
39 certified recovery residence at least annually to ensure
40 compliance with such certification requirements.

41 (a) A credentialing entity may suspend or revoke a
42 certification if the credentialing entity has made a written
43 determination that the recovery residence is not in compliance
44 with any provision of this section or has failed to remedy any
45 deficiency identified by the credentialing entity within the
46 time period specified.

47 (b) A certified recovery residence must notify the
48 credentialing entity within 3 business days after the removal of
49 the recovery residence's certified recovery residence
50 administrator due to termination, resignation, or any other
51 reason. The recovery residence has 90 ~~30~~ days to retain a
52 certified recovery residence administrator. The credentialing
53 entity shall initiate formal proceedings to revoke the
54 certificate of compliance of any recovery residence that fails
55 to comply with this paragraph.

56 (c) If any owner, director, or chief financial officer of a
57 certified recovery residence is arrested for or found guilty of,
58 or enters a plea of guilty or nolo contendere to, regardless of

586-02748-23

20231010c1

59 adjudication, any offense listed in s. 435.04(2) while acting in
60 that capacity, the certified recovery residence shall
61 immediately remove the person from that position and shall
62 notify the credentialing entity within 3 business days after
63 such removal. The credentialing entity shall revoke the
64 certificate of compliance of a recovery residence that fails to
65 meet these requirements.

66 (d) A credentialing entity shall revoke a recovery
67 residence's certificate of compliance if the recovery residence
68 provides false or misleading information to the credentialing
69 entity at any time.

70 (e) Any decision by a department-recognized credentialing
71 entity to deny, revoke, or suspend a certification, or otherwise
72 impose sanctions on a recovery residence, must be initiated by a
73 formal written notice provided to the recovery residence. The
74 recovery residence must have 90 days to cure the alleged
75 deficiency unless the alleged deficiency is an immediate threat
76 to the health, life, or safety of a resident or residents. If
77 the alleged deficiency is not cured within 90 days, the
78 credentialing entity may proceed with formal proceedings against
79 the recovery residence. The credentialing entity shall allow the
80 recovery residence to participate in all proceedings conducted
81 by the credentialing entity regarding the issues raised in the
82 formal written notice. The credentialing entity shall issue a
83 formal written notice of its final decision after the conclusion
84 of such proceedings, is reviewable by the department. Upon
85 receiving an adverse decision determination, the recovery
86 residence may request an administrative hearing pursuant to ss.
87 120.569 and 120.57 ~~ss. 120.569 and 120.57(1)~~ within 30 days

586-02748-23

20231010c1

88 after the recovery residence receives formal written notice of
89 the final action taken ~~completing any appeals process offered by~~
90 the credentialing entity. The credentialing entity must keep
91 written records of decisions made and proceedings conducted
92 pursuant to this paragraph and must make such records available
93 to the Division of Administrative Hearings upon request ~~or the~~
94 ~~department, as applicable.~~

95 Section 2. Paragraph (b) of subsection (8) of section
96 397.4871, Florida Statutes, is amended to read:

97 397.4871 Recovery residence administrator certification.—

98 (8)

99 (b) A certified recovery residence administrator may not
100 actively manage more than 50 residents at any given time unless
101 written justification is provided to, and approved by, the
102 credentialing entity as to how the administrator is able to
103 effectively and appropriately respond to the needs of the
104 residents, to maintain residence standards, and to meet the
105 residence certification requirements of this section. ~~However,~~ A
106 certified recovery residence administrator may not actively
107 manage more than 100 residents at any given time. However, a
108 credentialing entity may approve a certified recovery residence
109 administrator to actively manage up to 250 residents if such
110 administrator's recovery residence provides therapeutic housing
111 and ancillary services exclusively to a licensed service
112 provider and if the licensed service provider maintains a ratio
113 of at least 1 supervisory employee to 8 residents. A certified
114 recovery residence administrator approved under this paragraph
115 to manage more than 100 residents who has been removed by a
116 recovery residence due to termination, resignation, or any other

586-02748-23

20231010c1

117 reason may not continue to actively manage more than 100
118 residents for another recovery residence without being
119 reapproved by the credentialing entity pursuant to this
120 paragraph.

121 Section 3. This act shall take effect July 1, 2023.