

**By** the Committee on Children, Families, and Elder Affairs; and  
Senators Gruters and Rouson

586-02244-26

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A bill to be entitled

An act relating to substance abuse services; amending s. 397.407, F.S.; revising the definition of the term "transfer"; requiring the Department of Children and Families to issue a regular license to substance abuse service providers after the department receives a complete application from certain existing licensed service providers that are seeking to add licensed services or one or more additional levels of care at an existing licensed location or at one or more new locations within a specified timeframe, if certain requirements are met; prohibiting the imposition of additional requirements upon such service providers; amending s. 397.487, F.S.; prohibiting a credentialing entity from requesting or obtaining certain records when determining whether to suspend or revoke a licensed service provider's certificate to serve as a recovery residence; providing an effective date.

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

Section 1. Subsections (6), (7), and (8) of section 397.407, Florida Statutes, are amended to read:

397.407 Licensure process; fees.—

(6) The department may issue probationary, regular, and interim licenses. The department may issue one license for all service components operated by a service provider and defined pursuant to s. 397.311(27). The license is valid only for the specific service components listed for each specific location

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30 identified on the license. The licensed service provider must  
31 ~~shall~~ apply for the addition of any service components and  
32 obtain approval before initiating additional services. The  
33 licensed service provider must notify the department and provide  
34 any required documentation at least 30 days before the  
35 relocation of any of its service sites. Provision of service  
36 components or delivery of services at a location not identified  
37 on the license may be considered an unlicensed operation that  
38 authorizes the department to seek an injunction against  
39 operation as provided in s. 397.401, in addition to other  
40 sanctions authorized by s. 397.415. Probationary and regular  
41 licenses may be issued only after all required information has  
42 been submitted. A license may not be transferred. As used in  
43 this subsection, the term "transfer" means:

44 (a) An event in which the licensee sells or otherwise  
45 transfers its ownership to a different individual or entity as  
46 evidenced by a change in federal employer identification number  
47 or taxpayer identification number; or

48 (b) An event in which 51 percent or more of the ownership,  
49 shares, membership, or controlling interest of a licensee is in  
50 any manner transferred or otherwise assigned ~~includes, but is~~  
51 ~~not limited to, the transfer of a majority of the ownership~~  
52 ~~interest in the licensed entity or transfer of responsibilities~~  
53 ~~under the license to another entity by contractual arrangement.~~

54 (7) Upon receipt of a complete application, payment of  
55 applicable fees, and a demonstration of substantial compliance  
56 with all applicable statutory and regulatory requirements, the  
57 department may issue a probationary license to a new service  
58 provider applicant with services that are not yet fully

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59 operational. The department may not issue a probationary license  
60 when doing so would place the health, safety, or welfare of  
61 individuals at risk. A probationary license expires 90 days  
62 after issuance and may not be reissued. During the probationary  
63 period the department shall monitor the delivery of services.  
64 Notwithstanding s. 120.60(5), the department may order a  
65 probationary licensee to cease and desist operations at any time  
66 it is found to be substantially out of compliance with licensure  
67 standards. This cease-and-desist order is exempt from the  
68 requirements of s. 120.60(6).

69 (8) (a) A regular license may be issued to:

70 1. ~~(a)~~ A new applicant at the end of the probationary  
71 period.

72 2. ~~(b)~~ A licensed applicant that holds a regular license and  
73 is seeking renewal.

74 3. ~~(c)~~ An applicant for a service component operating under  
75 an interim license upon successful satisfaction of the  
76 requirements for a regular license.

77 (b) In order to be issued a regular license, the applicant  
78 must be in compliance with statutory and regulatory  
79 requirements. An application for renewal of a regular license  
80 must be submitted to the department at least 60 days before the  
81 license expires. The department may deny a renewal application  
82 submitted fewer than 30 days before the license expires.

83 (c) The department must issue a regular license within 30  
84 calendar days after receipt of a complete application from an  
85 existing licensed service provider that is in compliance with  
86 all renewal requirements and that is seeking to add licensed  
87 services or one or more additional levels of care at an existing

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88 licensed location or at one or more new locations when the  
89 application is from a provider with the same federal tax  
90 identification number as the existing provider. No other  
91 additional requirements may be imposed upon an existing service  
92 provider seeking to add new levels of care or new locations.

93       Section 2. Paragraph (a) of subsection (8) of section  
94 397.487, Florida Statutes, is amended to read:

95       397.487 Voluntary certification of recovery residences.—

96       (8) Onsite followup monitoring of a certified recovery  
97 residence may be conducted by the credentialing entity to  
98 determine continuing compliance with certification requirements.  
99 The credentialing entity shall inspect each certified recovery  
100 residence at least annually to ensure compliance.

101       (a) A credentialing entity may suspend or revoke a  
102 certification if the recovery residence is not in compliance  
103 with any provision of this section or has failed to remedy any  
104 deficiency identified by the credentialing entity within the  
105 time period specified. For purposes of this paragraph, the  
106 credentialing entity may not request or obtain clinical or  
107 medical records of a resident when determining whether to  
108 suspend or revoke a certificate, consistent with the privacy  
109 protections afforded pursuant to s. 397.501(7) and 42 C.F.R.  
110 part 2.

111       Section 3. This act shall take effect July 1, 2026.