

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

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

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

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

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

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

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

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

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

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

(c) The department must issue a regular license within 30 calendar days after receipt of a complete application from an existing licensed service provider that is in compliance with all renewal requirements and that is seeking to add licensed 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.