

By the Appropriations Committee on Health and Human Services;
the Committee on Children, Families, and Elder Affairs; and
Senators Gruters and Rouson

603-02827-26

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A bill to be entitled
An act relating to recovery residences; amending s.
397.407, F.S.; revising the definition of the term
"transfer"; requiring the Department of Children and
Families to require only a level 2 background
screening for certain individuals under certain
circumstances; prohibiting the department from
requiring certain existing licensed service providers
to admit individuals for services during the
probationary licensing period if certain requirements
and conditions are met; providing an effective date.

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

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

397.407 Licensure process; fees.—

(6) (a) 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
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

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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 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.

(b) If 5 percent or more of the controlling ownership interest of a licensed entity is transferred to another person or entity, the department must require only a level 2 background screening pursuant to s. 397.4073 for officers, directors, managing members, and individuals who exercise operational control over the licensee on behalf of that person or entity.

(7)(a) 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 service provider applicant with services that are not yet fully 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

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59 standards. This cease-and-desist order is exempt from the
60 requirements of s. 120.60(6).

61 (b) The department may not require an existing licensed
62 service provider that is seeking to add one or more additional
63 levels of care at an existing licensed location, or that is
64 seeking to offer the same level of care at one or more of the
65 service provider's new locations that are currently licensed, to
66 admit individuals for services during the probationary licensing
67 period if the provider has no outstanding violations pursuant to
68 s. 397.411(7) and the department has not taken any action
69 against the provider's existing license pursuant to s. 397.415
70 within the previous 12 months.

71 Section 2. This act shall take effect July 1, 2026.