

1                   A bill to be entitled  
2           An act relating to substance abuse service providers;  
3           amending s. 397.403, F.S.; providing criminal  
4           penalties for making certain false representations or  
5           omissions of material facts when applying for service  
6           provider licenses; amending s. 397.415, F.S.;  
7           requiring the Department of Children and Families to  
8           suspend a service provider's license under certain  
9           circumstances; amending ss. 397.487 and 397.4871,  
10          F.S.; applying specified exemptions from  
11          disqualification to the application for certification  
12          of a recovery residence or a recovery residence  
13          administrator, respectively; amending s. 397.4873,  
14          F.S.; revising civil penalties; requiring the  
15          department to suspend a service provider's license  
16          under certain circumstances; amending s. 553.80, F.S.;  
17          providing that certain dwellings converted to recovery  
18          residences do not have a change of occupancy under the  
19          Florida Building Code due to such conversion; amending  
20          s. 633.208, F.S.; prohibiting the reclassification of  
21          certain dwellings for purposes of enforcing the  
22          Florida Fire Prevention Code under certain  
23          circumstances; providing an effective date.

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

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Section 1. Subsection (5) is added to section 397.403, Florida Statutes, to read:

397.403 License application.—

(5) An applicant who willfully and knowingly makes a false representation of material fact in a license application or who willfully and knowingly omits any material fact from a license application commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

Section 2. Paragraph (a) of subsection (1) of section 397.415, Florida Statutes, is amended to read:

397.415 Denial, suspension, and revocation; other remedies.—

(1) If the department determines that an applicant or licensed service provider or licensed service component thereof is not in compliance with all statutory and regulatory requirements, the department may deny, suspend, revoke, or impose reasonable restrictions or penalties on the license or any portion of the license. In such case:

(a) The department may:

1. Impose an administrative fine for a violation that is designated as a class I, class II, class III, or class IV violation pursuant to s. 397.411.

2. Impose an administrative fine for a violation that is not designated as a class I, class II, class III, or class IV

51 violation pursuant to s. 397.411. Unless otherwise specified by  
52 law, the amount of the fine may not exceed \$500 for each  
53 violation. Unclassified violations may include:

- 54 a. Violating any term or condition of a license.
- 55 b. Violating any provision of this chapter or applicable  
56 rules.
- 57 c. Providing services beyond the scope of the license.
- 58 d. Violating a moratorium imposed pursuant to this  
59 section.

60 3. Establish criteria by rule for the amount or aggregate  
61 limitation of administrative fines applicable to this chapter  
62 and applicable rules, unless the amount or aggregate limitation  
63 of the fine is prescribed by statute. Each day of violation  
64 constitutes a separate violation and is subject to a separate  
65 fine. For fines imposed by final order of the department and not  
66 subject to further appeal, the violator shall pay the fine plus  
67 interest at the rate specified in s. 55.03 for each day beyond  
68 the date set by the department for payment of the fine. If a  
69 violator does not pay the fine plus any applicable interest  
70 within 60 days after the date set by the department, the  
71 department shall immediately suspend the violator's license.

72 Section 3. Subsection (6) of section 397.487, Florida  
73 Statutes, is amended to read:

74 397.487 Voluntary certification of recovery residences.—

75 (6) All owners, directors, and chief financial officers of  
76 an applicant recovery residence are subject to level 2  
77 background screening as provided under s. 408.809 and chapter  
78 435. A recovery residence is ineligible for certification, and a  
79 credentialing entity shall deny a recovery residence's  
80 application, if any owner, director, or chief financial officer  
81 has been found guilty of, or has entered a plea of guilty or  
82 nolo contendere to, regardless of adjudication, any offense  
83 listed in s. 408.809(4) or s. 435.04(2) unless the department  
84 has issued an exemption under s. 435.07. Exemptions from  
85 disqualification applicable to service provider personnel  
86 pursuant to s. 397.4073 or s. 435.07 shall apply to this  
87 subsection. In accordance with s. 435.04, the department shall  
88 notify the credentialing agency of an owner's, director's, or  
89 chief financial officer's eligibility based on the results of  
90 his or her background screening.

91 Section 4. Subsection (5) of section 397.4871, Florida  
92 Statutes, is amended to read:

93 397.4871 Recovery residence administrator certification.-

94 (5) All applicants are subject to level 2 background  
95 screening as provided under chapter 435. An applicant is  
96 ineligible, and a credentialing entity shall deny the  
97 application, if the applicant has been found guilty of, or has  
98 entered a plea of guilty or nolo contendere to, regardless of  
99 adjudication, any offense listed in s. 408.809 or s. 435.04(2)

100 unless the department has issued an exemption under s. 435.07.  
 101 Exemptions from disqualification applicable to service provider  
 102 personnel pursuant to s. 397.4073 or s. 435.07 shall apply to  
 103 this subsection. In accordance with s. 435.04, the department  
 104 shall notify the credentialing agency of the applicant's  
 105 eligibility based on the results of his or her background  
 106 screening.

107 Section 5. Subsection (6) of section 397.4873, Florida  
 108 Statutes, is amended to read:

109 397.4873 Referrals to or from recovery residences;  
 110 prohibitions; penalties.—

111 (6) ~~After June 30, 2019,~~ A licensed service provider that  
 112 violates ~~violating~~ this section is ~~shall be~~ subject to an  
 113 administrative fine of \$1,000 per occurrence. If such fine is  
 114 imposed by final order of the department and is not subject to  
 115 further appeal, the service provider shall pay the fine plus  
 116 interest at the rate specified in s. 55.03 for each day beyond  
 117 the date set by the department for payment of the fine. If the  
 118 service provider does not pay the fine plus any applicable  
 119 interest within 60 days after the date set by the department,  
 120 the department shall immediately suspend the service provider's  
 121 license. Repeat violations of this section may subject a  
 122 provider to license suspension or revocation pursuant to s.  
 123 397.415.

124 Section 6. Subsection (9) is added to section 553.80,  
125 Florida Statutes, to read:

126 553.80 Enforcement.—

127 (9) A single-family or two-family dwelling that is  
128 converted into a certified recovery residence, as defined in s.  
129 397.311, or a recovery residence, as defined in s. 397.311, that  
130 has a charter from an entity recognized or sanctioned by  
131 Congress does not have a change of occupancy as defined in the  
132 Florida Building Code solely due to such conversion.

133 Section 7. Subsection (11) is added to section 633.208,  
134 Florida Statutes, to read:

135 633.208 Minimum firesafety standards.—

136 (11) Notwithstanding subsection (8), a single-family or  
137 two-family dwelling that is a certified recovery residence, as  
138 defined in s. 397.311, or that is a recovery residence, as  
139 defined in s. 397.311, and that has a charter from an entity  
140 recognized or sanctioned by Congress may not be reclassified for  
141 purposes of enforcing the Florida Fire Prevention Code solely  
142 due to such use.

143 Section 8. This act shall take effect July 1, 2021.