

CHAPTER 2021-128

Committee Substitute for Committee Substitute for Senate Bill No. 804

An act relating to substance abuse services; amending s. 397.403, F.S.; providing criminal penalties for making certain false representations or omissions of material facts when applying for service provider licenses; amending s. 397.415, F.S.; requiring the Department of Children and Families to suspend a service provider's license under certain circumstances; amending ss. 397.487 and 397.4871, F.S.; expanding the applicability of certain exemptions for disqualification to applications for certification of a recovery residence or a recovery residence administrator, respectively; amending s. 397.4873, F.S.; revising civil penalties; requiring the department to suspend a service provider's license under certain circumstances; amending s. 553.80, F.S.; specifying that certain dwellings converted to recovery residences do not have a change of occupancy under the Florida Building Code due to such conversion; amending s. 633.208, F.S.; prohibiting the reclassification of certain dwellings certified as recovery residences for purposes of enforcing the Florida Fire Prevention Code; providing an effective date.

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

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

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

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

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

397.487 Voluntary certification of recovery residences.—

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

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

397.4871 Recovery residence administrator certification.—

(5) All applicants are subject to level 2 background screening as provided under chapter 435. An applicant is ineligible, and a credentialing entity shall deny the application, if the applicant has been found guilty of, or has

entered a plea of guilty or nolo contendere to, regardless of adjudication, any offense listed in s. 408.809 or s. 435.04(2) unless the department has issued an exemption under s. 435.07. Exemptions from disqualification applicable to service provider personnel pursuant to s. 397.4073 or s. 435.07 shall apply to this subsection. In accordance with s. 435.04, the department shall notify the credentialing agency of the applicant’s eligibility based on the results of his or her background screening.

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

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

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

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

553.80 Enforcement.—

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

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

633.208 Minimum firesafety standards.—

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

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

Approved by the Governor June 21, 2021.

Filed in Office Secretary of State June 21, 2021.