

## CHAPTER 2022-31

### Senate Bill No. 704

An act relating to substance abuse service providers; amending s. 394.76, F.S.; revising the types of expenditures for district programs and services which are eligible for state payment; amending s. 397.403, F.S.; requiring service provider applicants to include the names and locations of certain recovery residences in their license application; creating s. 397.4104, F.S.; requiring service providers to record specified information in the Department of Children and Families' Provider Licensure and Designations System after a specified date; requiring service providers to update the record with any changes within a specified timeframe; providing civil penalties; amending s. 397.4871, F.S.; requiring certified recovery residence administrators to demonstrate the ability to meet specified requirements; prohibiting certified recovery residence administrators from actively managing more than a specified number of residents; providing an exception; deleting a provision prohibiting certified recovery residence administrators from actively managing more than three recovery residences; amending s. 397.501, F.S.; requiring service providers to return an individual's personal effects upon the individual's discharge; providing an effective date.

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

Section 1. Subsection (7) of section 394.76, Florida Statutes, is amended to read:

394.76 Financing of district programs and services.—If the local match funding level is not provided in the General Appropriations Act or the substantive bill implementing the General Appropriations Act, such funding level shall be provided as follows:

(7) The expenditures which are subject to state payment include expenditures that are approved in the district plan for: salaries of personnel; approved facilities and services provided through contract; operation, maintenance, and service cost; contingency management programs authorized by a managing entity, and subject to limitations on value imposed by the Federal Government or department rule, in which participants are provided noncash incentives for positive progress in their recovery under the care of a publicly funded substance abuse treatment provider; depreciation of facilities; and such other expenditures as may be approved by the district administrator. Such expenditures do not include expenditures for compensation to members of a community agency board, except the actual and necessary expenses incurred in the performance of official duties, or expenditures for a purpose for which state payment is claimed under any other provision of law.

Section 2. Paragraph (j) is added to subsection (1) of section 397.403, Florida Statutes, to read:

397.403 License application.—

(1) Applicants for a license under this chapter must apply to the department on forms provided by the department and in accordance with rules adopted by the department. Applications must include at a minimum:

(j) The names and locations of any recovery residences to which the applicant service provider plans to refer patients or from which the applicant service provider plans to accept patients.

Section 3. Section 397.4104, Florida Statutes, is created to read:

397.4104 Record of recovery residences used by service providers.—

(1) By July 1, 2022, a service provider shall record in the department's Provider Licensure and Designations System the name and location of each recovery residence that the service provider has referred patients to or received patients from and update the record with any changes that occur. A service provider must update such record within 30 business days after the change.

(2) Beginning July 1, 2022, a licensed service provider that violates this section is subject to an administrative fine of \$1,000 per occurrence. The department may suspend or revoke a service provider's license pursuant to s. 397.415 for repeat violations of this section.

Section 4. Subsection (8) of section 397.4871, Florida Statutes, is amended to read:

397.4871 Recovery residence administrator certification.—

(8)(a) A certified recovery residence administrator must demonstrate the ability to effectively and appropriately respond to the needs of residents, to maintain residence standards, and to meet the certification requirements of this section.

(b) A certified recovery residence administrator may not actively manage more than 50 residents at any given time unless written justification is provided to, and approved by, the credentialing entity as to how the administrator is able to effectively and appropriately respond to the needs of the residents, to maintain residence standards, and to meet the residence certification requirements of this section. However, a certified recovery residence administrator may not actively manage more than 100 residents no more than three recovery residences at any given time.

Section 5. Subsection (5) of section 397.501, Florida Statutes, is amended to read:

397.501 Rights of individuals.—Individuals receiving substance abuse services from any service provider are guaranteed protection of the rights specified in this section, unless otherwise expressly provided, and service providers must ensure the protection of such rights.

(5) RIGHT TO CARE AND CUSTODY OF PERSONAL EFFECTS.—An individual has the right to possess clothing and other personal effects. The service provider may take temporary custody of the individual’s personal effects only when required for medical or safety reasons, with the reason for taking custody and a list of the personal effects recorded in the individual’s clinical record. A service provider shall return an individual’s personal effects upon the individual’s discharge, even if the discharge is against medical advice.

Section 6. This act shall take effect upon becoming a law.

Approved by the Governor April 6, 2022.

Filed in Office Secretary of State April 6, 2022.