

CHAPTER 2026-123

Committee Substitute for Committee Substitute for Senate Bill No. 1030

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 (5), (6), and (7) of section 397.407, Florida Statutes, are amended to read:

397.407 Licensure process; fees.—

(5) Except as provided in paragraph (6)(b), the department shall conduct background screening, as provided in s. 397.4073, as part of the licensure application for all owners, directors, chief financial officers, and clinical supervisors of a service provider. If the results of the background screening indicate that the individual has been found guilty of, regardless of adjudication, or has entered a plea of nolo contendere or guilty to any offense prohibited under the screening standard, a license may not be issued to the applicant service provider unless an exemption from disqualification has been granted by the department as set forth in chapter 435. The individual has 90 days within which to obtain the required exemption, during which time the applicant’s license remains in effect.

(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 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. Notwithstanding paragraph (b), 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).

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

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

Approved by the Governor June 11, 2026.

Filed in Office Secretary of State June 11, 2026.