A bill to be entitled

An act relating to recovery residences; amending s. 397.407, F.S.; specifying the level of background screening the Department of Children and Families must require of certain persons; prohibiting the department from requiring certain existing licensed service providers that are seeking to add licensed services or one or more additional levels of care at an existing licensed location or at one or more new locations to admit individuals for services during the probationary period, if certain requirements are met within a specified timeframe; amending s. 397.487, F.S.; removing provisions prohibiting certified recovery residences from denying an individual access to housing under specified circumstances on or after a specified date; 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

CODING: Words stricken are deletions; words underlined are additions.

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) For an event in which 5 percent or greater of the controlling interest of a licensee is in any manner transferred to another person or entity, the department shall only require 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 standards. This cease-and-desist order is exempt from the requirements of s. 120.60(6).

(b) For an existing licensed service provider seeking to add one or more additional levels of care at an existing licensed location or at one or more new locations where the provider will offer the same level of care that the provider is currently licensed to provide, the department may not require the provider to admit individuals for services during the probationary license period if the provider has no outstanding violations pursuant to s. 397.411 and the department has not taken any actions against the provider's existing license

pursuant to s. 397.415 within the prior 12 months.

Section 2. Subsection (13) of section 397.487, Florida Statutes, is amended to read:

397.487 Voluntary certification of recovery residences.—

~~(13) Beginning January 1, 2025, a certified recovery residence may not deny an individual access to housing solely on the basis that he or she has been prescribed federally approved medication that assists with treatment for substance use disorders by a licensed physician, a physician's assistant, or an advanced practice registered nurse registered under s. 464.0123.~~

Section 3. This act shall take effect July 1, 2026.