

1 A bill to be entitled
 2 An act relating to recovery residences; amending s.
 3 397.487, F.S.; removing an obsolete date; requiring
 4 that recovery residences obtain certification by a
 5 specified date or before commencing operation;
 6 creating a criminal penalty for a person who operates
 7 a recovery residence without a certificate of
 8 compliance; amending s. 397.4871, F.S.; removing an
 9 obsolete date; requiring that recovery residence
 10 administrators be certified by a specified date or
 11 before beginning employment; providing an effective
 12 date.

13
 14 Be It Enacted by the Legislature of the State of Florida:

15
 16 Section 1. Section 397.487, Florida Statutes, is amended
 17 to read:

18 397.487 ~~Voluntary~~ Certification of recovery residences.—

19 (1) The Legislature finds that a person suffering from
 20 addiction has a higher success rate of achieving long-lasting
 21 sobriety when given the opportunity to build a stronger
 22 foundation by living in a recovery residence after completing
 23 treatment. The Legislature further finds that this state and its
 24 subdivisions have a legitimate state interest in protecting
 25 these persons, who represent a vulnerable consumer population in

26 | need of adequate housing. It is the intent of the Legislature to
 27 | protect persons who reside in a recovery residence.

28 | (2) The department shall approve at least one
 29 | credentialing entity ~~by December 1, 2015,~~ for the purpose of
 30 | developing and administering a ~~voluntary~~ certification program
 31 | for recovery residences. Recovery residences in operation before
 32 | October 1, 2019, must obtain certification no later than April
 33 | 1, 2020. Recovery residences established on or after October 1,
 34 | 2019, must obtain certification before commencing operation. The
 35 | approved credentialing entity shall:

36 | (a) Establish recovery residence certification
 37 | requirements.

38 | (b) Establish procedures to:

39 | 1. Administer the application, certification,
 40 | recertification, and disciplinary processes.

41 | 2. Monitor and inspect a recovery residence and its staff
 42 | to ensure compliance with certification requirements.

43 | 3. Interview and evaluate residents, employees, and
 44 | volunteer staff on their knowledge and application of
 45 | certification requirements.

46 | (c) Provide training for owners, managers, and staff.

47 | (d) Develop a code of ethics.

48 | (e) Establish application, inspection, and annual
 49 | certification renewal fees. The application fee may not exceed
 50 | \$100. Any onsite inspection fee shall reflect actual costs for

51 inspections. The annual certification renewal fee may not exceed
 52 \$100.

53 (3) A credentialing entity shall require the recovery
 54 residence to submit the following documents with the completed
 55 application and fee:

56 (a) A policy and procedures manual containing:

57 1. Job descriptions for all staff positions.

58 2. Drug-testing procedures and requirements.

59 3. A prohibition ~~on the premises~~ against the possession or
 60 use of alcohol and ~~illegal drugs on the premises~~, and against
 61 the use of prescribed medications by an individual other than
 62 the individual for whom the medication is prescribed.

63 4. Policies to support a resident's recovery efforts.

64 5. A good neighbor policy to address neighborhood concerns
 65 and complaints.

66 (b) Rules for residents.

67 (c) Copies of all forms provided to residents.

68 (d) Intake procedures.

69 (e) A sexual predator and sexual offender registry
 70 compliance policy.

71 (f) A relapse policy.

72 (g) A fee schedule.

73 (h) A refund policy.

74 (i) Eviction procedures and policy.

75 (j) A code of ethics.

76 (k) Proof of insurance.

77 (l) Proof of background screening.

78 (m) Proof of satisfactory fire, safety, and health
79 inspections.

80 (4) A certified recovery residence must be actively
81 managed by a certified recovery residence administrator. All
82 applications for certification must include the name of the
83 certified recovery residence administrator who will be actively
84 managing the applicant recovery residence.

85 (5) Upon receiving a complete application, a credentialing
86 entity shall conduct an onsite inspection of the recovery
87 residence.

88 (6) All owners, directors, and chief financial officers of
89 an applicant recovery residence are subject to level 2
90 background screening as provided under chapter 435. A recovery
91 residence is ineligible for certification, and a credentialing
92 entity shall deny a recovery residence's application, if any
93 owner, director, or chief financial officer has been found
94 guilty of, or has entered a plea of guilty or nolo contendere
95 to, regardless of adjudication, any offense listed in s.
96 435.04(2) unless the department has issued an exemption under s.
97 397.4872. In accordance with s. 435.04, the department shall
98 notify the credentialing agency of an owner's, director's, or
99 chief financial officer's eligibility based on the results of
100 his or her background screening.

101 (7) A credentialing entity shall issue a certificate of
 102 compliance upon approval of the recovery residence's application
 103 and inspection. The certification ~~shall~~ automatically expires
 104 ~~terminate~~ 1 year after issuance if not renewed.

105 (8) Onsite followup monitoring of a certified recovery
 106 residence may be conducted by the credentialing entity to
 107 determine continuing compliance with certification requirements.
 108 The credentialing entity shall inspect each certified recovery
 109 residence at least annually to ensure compliance.

110 (a) A credentialing entity may suspend or revoke a
 111 certification if the recovery residence is not in compliance
 112 with any provision of this section or has failed to remedy any
 113 deficiency identified by the credentialing entity within the
 114 specified time period ~~specified~~.

115 (b) A certified recovery residence must notify the
 116 credentialing entity within 3 business days after the removal of
 117 the recovery residence's certified recovery residence
 118 administrator due to termination, resignation, or any other
 119 reason. The recovery residence must ~~has 30 days to~~ retain a
 120 certified recovery residence administrator within 30 days after
 121 such termination, resignation, or removal. The credentialing
 122 entity shall revoke the certificate of compliance of a certified
 123 ~~any~~ recovery residence that fails to comply with this paragraph.

124 (c) If any owner, director, or chief financial officer of
 125 a certified recovery residence is arrested for or found guilty

126 of, or enters a plea of guilty or nolo contendere to, regardless
127 of adjudication, any offense listed in s. 435.04(2) while acting
128 in that capacity, the certified recovery residence shall
129 immediately remove the person from that position and shall
130 notify the credentialing entity within 3 business days after
131 such removal. The credentialing entity shall revoke the
132 certificate of compliance of a recovery residence that fails to
133 meet these requirements.

134 (d) A credentialing entity shall revoke a recovery
135 residence's certificate of compliance if the recovery residence
136 provides false or misleading information to the credentialing
137 entity at any time.

138 (9) A person may not operate a recovery residence or
139 advertise to the public, ~~in any way or by any medium whatsoever,~~
140 any recovery residence as a "certified recovery residence"
141 unless such recovery residence has ~~first secured~~ a current and
142 unsuspended certificate of compliance under this section or the
143 recovery residence is authorized to operate without a
144 certificate of compliance under subsection (2). A person who
145 violates this subsection commits a misdemeanor of the first
146 degree, punishable as provided in s. 775.082 or s. 775.083.

147 (10) (a) A certified recovery residence may allow a minor
148 child to visit a parent who is a resident of the recovery
149 residence. However, ~~provided that~~ a minor child may not visit or
150 remain in the recovery residence between the hours of 9 p.m. and

151 7 a.m. unless:

152 1. A court makes a specific finding that such visitation
153 is in the best interest of the minor child; or

154 2. The recovery residence is a specialized residence for
155 pregnant women or parents whose children reside with them. Such
156 recovery residences may allow children to visit or reside in the
157 residence if the parent does not yet have a time-sharing plan
158 pursuant to s. 61.13, provided that the parent files with the
159 court for establishment of a plan within 14 days of moving into
160 the residence.

161 (b) A certified recovery residence may not allow a minor
162 child to visit a parent who is a resident of the recovery
163 residence at any time if any resident of the recovery residence
164 is currently required to register as a sexual predator under s.
165 775.21 or as a sexual offender under s. 943.0435.

166 Section 2. Subsections (1) and (2) of section 397.4871,
167 Florida Statutes, are amended to read:

168 397.4871 Recovery residence administrator certification.-

169 (1) It is the intent of the Legislature that a recovery
170 residence administrator ~~voluntarily~~ earn and maintain
171 certification from a credentialing entity approved by the
172 Department of Children and Families. The Legislature further
173 intends that certification ensure that an administrator has the
174 competencies necessary to appropriately respond to the needs of
175 residents, to maintain residence standards, and to meet

176 residence certification requirements.

177 (2) The department shall approve at least one
178 credentialing entity ~~by December 1, 2015,~~ for the purpose of
179 developing and administering a ~~voluntary~~ credentialing program
180 for administrators. Recovery residence administrators employed
181 by a recovery residence before October 1, 2019, must obtain
182 certification no later than April 1, 2020. Recovery residence
183 administrators hired on or after October 1, 2019, must obtain
184 certification before beginning employment at a recovery
185 residence. The department shall approve any credentialing entity
186 that the department endorses pursuant to s. 397.321(15) if the
187 credentialing entity also meets the requirements of this
188 section. The approved credentialing entity shall:

189 (a) Establish recovery residence administrator core
190 competencies, certification requirements, testing instruments,
191 and recertification requirements.

192 (b) Establish a process to administer the certification
193 application, award, and maintenance processes.

194 (c) Develop and administer:

195 1. A code of ethics and disciplinary process.

196 2. Biennial continuing education requirements and annual
197 certification renewal requirements.

198 3. An education provider program to approve training
199 entities that are qualified to provide precertification training
200 to applicants and continuing education opportunities to

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201 | certified persons.

202 | Section 3. This act shall take effect October 1, 2019.