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1 A bill to be entitled
2 An act relating to recovery residences; amending s.
3 397.407, F.S.; revising the definition of the term
4 "transfer"; requiring the Department of Children and
5 Families to require only a level 2 background
6 screening for certain individuals under certain
7 circumstances; prohibiting the department from
8 requiring certain existing licensed service providers
9 to admit individuals for services during the
10 probationary licensing period if certain requirements
11 and conditions are met; providing an effective date.

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

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15 Section 1. Subsections (5), (6), and (7) of section
16 397.407, Florida Statutes, are amended to read:

17 397.407 Licensure process; fees.—

18 (5) Except as provided in paragraph (6)(b), the department
19 shall conduct background screening, as provided in s. 397.4073,
20 as part of the licensure application for all owners, directors,
21 chief financial officers, and clinical supervisors of a service
22 provider. If the results of the background screening indicate
23 that the individual has been found guilty of, regardless of
24 adjudication, or has entered a plea of nolo contendere or guilty
25 to any offense prohibited under the screening standard, a
26 license may not be issued to the applicant service provider
27 unless an exemption from disqualification has been granted by
28 the department as set forth in chapter 435. The individual has
29 90 days within which to obtain the required exemption, during

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30 which time the applicant's license remains in effect.

31 (6)(a) The department may issue probationary, regular, and
32 interim licenses. The department may issue one license for all
33 service components operated by a service provider and defined
34 pursuant to s. 397.311(27). The license is valid only for the
35 specific service components listed for each specific location
36 identified on the license. The licensed service provider must
37 ~~shall~~ apply for the addition of any service components and
38 obtain approval before initiating additional services. The
39 licensed service provider must notify the department and provide
40 any required documentation at least 30 days before the
41 relocation of any of its service sites. Provision of service
42 components or delivery of services at a location not identified
43 on the license may be considered an unlicensed operation that
44 authorizes the department to seek an injunction against
45 operation as provided in s. 397.401, in addition to other
46 sanctions authorized by s. 397.415. Probationary and regular
47 licenses may be issued only after all required information has
48 been submitted. A license may not be transferred. As used in
49 this subsection, the term "transfer" means includes, ~~but is not~~
50 ~~limited to,~~ the transfer of a majority of the ownership interest
51 in the licensed entity or transfer of responsibilities under the
52 license to another entity by contractual arrangement.

53 (b) If 5 percent or more of the controlling ownership
54 interest of a licensed entity is transferred to another person
55 or entity, the department must require only a level 2 background
56 screening pursuant to s. 397.4073 for officers, directors,
57 managing members, and individuals who exercise operational
58 control over the licensee on behalf of that person or entity.

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59 (7) (a) Upon receipt of a complete application, payment of
60 applicable fees, and a demonstration of substantial compliance
61 with all applicable statutory and regulatory requirements, the
62 department may issue a probationary license to a service
63 provider applicant with services that are not yet fully
64 operational. The department may not issue a probationary license
65 when doing so would place the health, safety, or welfare of
66 individuals at risk. Notwithstanding paragraph (b), a
67 probationary license expires 90 days after issuance and may not
68 be reissued. During the probationary period the department shall
69 monitor the delivery of services. Notwithstanding s. 120.60(5),
70 the department may order a probationary licensee to cease and
71 desist operations at any time it is found to be substantially
72 out of compliance with licensure standards. This cease-and-
73 desist order is exempt from the requirements of s. 120.60(6).

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

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