

LEGISLATIVE ACTION

Senate

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House

The Committee on Community Affairs recommended the following:

Senate Amendment (with title amendment)

Delete lines 31 - 151

and insert:

(5) An applicant who willfully and knowingly makes a false representation of material fact in a license application or who willfully and knowingly omits any material fact from a license application commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

Section 2. Paragraph (a) of subsection (1) of section 397.415, Florida Statutes, is amended to read:

397.415 Denial, suspension, and revocation; other

13 remedies.—

14 (1) If the department determines that an applicant or
15 licensed service provider or licensed service component thereof
16 is not in compliance with all statutory and regulatory
17 requirements, the department may deny, suspend, revoke, or
18 impose reasonable restrictions or penalties on the license or
19 any portion of the license. In such case:

20 (a) The department may:

21 1. Impose an administrative fine for a violation that is
22 designated as a class I, class II, class III, or class IV
23 violation pursuant to s. 397.411.

24 2. Impose an administrative fine for a violation that is
25 not designated as a class I, class II, class III, or class IV
26 violation pursuant to s. 397.411. Unless otherwise specified by
27 law, the amount of the fine may not exceed \$500 for each
28 violation. Unclassified violations may include:

29 a. Violating any term or condition of a license.

30 b. Violating any provision of this chapter or applicable
31 rules.

32 c. Providing services beyond the scope of the license.

33 d. Violating a moratorium imposed pursuant to this section.

34 3. Establish criteria by rule for the amount or aggregate
35 limitation of administrative fines applicable to this chapter
36 and applicable rules, unless the amount or aggregate limitation
37 of the fine is prescribed by statute. Each day of violation
38 constitutes a separate violation and is subject to a separate
39 fine. For fines imposed by final order of the department and not
40 subject to further appeal, the violator shall pay the fine plus
41 interest at the rate specified in s. 55.03 for each day beyond

42 the date set by the department for payment of the fine. If a
43 violator does not pay the fine plus any applicable interest
44 within 60 days after the date set by the department, the
45 department shall immediately suspend the violator's license.

46 Section 3. Subsection (6) of section 397.487, Florida
47 Statutes, is amended to read:

48 397.487 Voluntary certification of recovery residences.—

49 (6) All owners, directors, and chief financial officers of
50 an applicant recovery residence are subject to level 2
51 background screening as provided under s. 408.809 and chapter
52 435. A recovery residence is ineligible for certification, and a
53 credentialing entity shall deny a recovery residence's
54 application, if any owner, director, or chief financial officer
55 has been found guilty of, or has entered a plea of guilty or
56 nolo contendere to, regardless of adjudication, any offense
57 listed in s. 408.809(4) or s. 435.04(2) unless the department
58 has issued an exemption under s. 435.07. Exemptions from
59 disqualification applicable to service provider personnel
60 pursuant to s. 397.4073 or s. 435.07 shall apply to this
61 subsection. In accordance with s. 435.04, the department shall
62 notify the credentialing agency of an owner's, director's, or
63 chief financial officer's eligibility based on the results of
64 his or her background screening.

65 Section 4. Subsection (5) of section 397.4871, Florida
66 Statutes, is amended to read:

67 397.4871 Recovery residence administrator certification.—

68 (5) All applicants are subject to level 2 background
69 screening as provided under chapter 435. An applicant is
70 ineligible, and a credentialing entity shall deny the

71 application, if the applicant has been found guilty of, or has
72 entered a plea of guilty or nolo contendere to, regardless of
73 adjudication, any offense listed in s. 408.809 or s. 435.04(2)
74 unless the department has issued an exemption under s. 435.07.
75 Exemptions from disqualification applicable to service provider
76 personnel pursuant to s. 397.4073 or s. 435.07 shall apply to
77 this subsection. In accordance with s. 435.04, the department
78 shall notify the credentialing agency of the applicant's
79 eligibility based on the results of his or her background
80 screening.

81 Section 5. Subsection (6) of section 397.4873, Florida
82 Statutes, is amended to read:

83 397.4873 Referrals to or from recovery residences;
84 prohibitions; penalties.—

85 (6) ~~After June 30, 2019,~~ A licensed service provider that
86 violates ~~violating~~ this section is ~~shall be~~ subject to an
87 administrative fine of \$1,000 per occurrence. If such fine is
88 imposed by final order of the department and is not subject to
89 further appeal, the service provider shall pay the fine plus
90 interest at the rate specified in s. 55.03 for each day beyond
91 the date set by the department for payment of the fine. If the
92 service provider does not pay the fine plus any applicable
93 interest within 60 days after the date set by the department,
94 the department shall immediately suspend the service provider's
95 license. Repeat violations of this section may subject a
96 provider to license suspension or revocation pursuant to s.
97 397.415.

98 Section 6. Subsection (9) is added to section 553.80,
99 Florida Statutes, to read:

100 553.80 Enforcement.—

101 (9) A single-family or two-family dwelling that is
102 converted into a certified recovery residence, as defined in s.
103 397.311, or a recovery residence, as defined in s. 397.311, that
104 has a charter from an entity recognized or sanctioned by
105 Congress does not have a change of occupancy as defined in the
106 Florida Building Code solely due to such conversion.

107 Section 7. Subsection (11) is added to section 633.208,
108 Florida Statutes, to read:

109 633.208 Minimum firesafety standards.—

110 (11) Notwithstanding subsection (8), a single-family or
111 two-family dwelling that is a certified recovery residence, as
112 defined in s. 397.311, or that is a recovery residence, as
113 defined in s. 397.311, that has a charter from an entity
114 recognized or sanctioned by Congress may not be reclassified for
115 purposes of enforcing the Florida Fire Prevention Code solely
116 due to such use.

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118 ===== T I T L E A M E N D M E N T =====

119 And the title is amended as follows:

120 Delete lines 14 - 23

121 and insert:

122 397.4873, F.S.; revising civil penalties; requiring
123 the department to suspend a service provider's license
124 under certain circumstances; amending s. 553.80, F.S.;
125 specifying that certain dwellings converted to
126 recovery residences do not have a change of occupancy
127 under the Florida Building Code due to such
128 conversion; amending s. 633.208, F.S.; prohibiting the

129 reclassification of certain dwellings certified as
130 recovery residences for purposes of enforcing the
131 Florida Fire Prevention Code; providing an effective