

PCS for HB 479

ORIGINAL

YEAR

1                                   A bill to be entitled  
2           An act relating to substance abuse services; amending  
3           s. 397.311; providing definitions; creating s.  
4           397.487; requiring the Department of Children and  
5           Families to create a voluntary certification of  
6           recovery residence program; authorizing the Department  
7           of Children and Families to approve credentialing  
8           entities who meet certain criteria to develop and  
9           administer the certification program; requiring an  
10          approved credentialing entity to establish a process  
11          for certifying recovery residences which meet certain  
12          qualifications; requiring an approved credentialing  
13          entity to establish certain fees; requiring a  
14          credentialing entity to conduct on-site inspections of  
15          a recovery residence; authorizing the credentialing  
16          entity to suspend or revoke certification; creating a  
17          crime for a recovery residence to advertise it is a  
18          "certified recovery residence" unless it has been  
19          certified under this section; creating s. 397.4871;  
20          requiring the Department of Children and Families to  
21          create a voluntary certification of recovery residence  
22          administrator program; authorizing the Department of  
23          Children and Families to approve credentialing  
24          entities who meet certain criteria to develop and  
25          administer the certification program; requiring an  
26          approved credentialing entity to establish a process

PCS for HB 479

ORIGINAL

YEAR

27 | for certifying recovery residence administrators which  
 28 | meet certain qualifications; requiring an approved  
 29 | credentialing entity to establish certain fees;  
 30 | authorizing the credentialing entity to suspend or  
 31 | revoke certification; creating a crime if a recovery  
 32 | residence administrator advertises he or she is a  
 33 | "certified recovery residence administrator" unless he  
 34 | or she has been certified under this section; creating  
 35 | s. 397.4872; providing exemptions from disqualify  
 36 | offenses; requiring credentialing entities to provide  
 37 | a list of all certified recovery residences and  
 38 | recovery residence administrators by a date certain;  
 39 | requiring the Department of Children and Families to  
 40 | publish the list of certified recovery residences and  
 41 | recovery residence administrators on its website;  
 42 | allowing recovery residences and recovery residence  
 43 | administrators to be excluded from the list; amending  
 44 | s. 397.407; requiring licensed service providers to  
 45 | refer patients to certified recovery residences or  
 46 | recovery residences owned and operated by licensed  
 47 | service providers; providing an effective date.

48 |  
 49 | Be It Enacted by the Legislature of the State of Florida:

50 |  
 51 | Section 1. Subsections (40) through (45) are added to  
 52 | section 397.311, Florida Statutes, to read:

53 397.311 Definitions.— As used in this chapter, except part  
 54 VIII, the term:

55 (40) "Certificate of compliance" means a certificate that  
 56 is issued by a credentialing entity to a recovery residence or a  
 57 recovery residence administrator.

58 (41) "Certified recovery residence" means a recovery  
 59 residence that holds a valid certificate of compliance or that  
 60 is actively managed by a certified recovery residence  
 61 administrator.

62 (42) "Certified recovery residence administrator" means a  
 63 recovery residence administrator who holds a valid certificate  
 64 of compliance.

65 (43) "Credentialing entity" means a nonprofit organization  
 66 that develops and administers professional certification  
 67 programs according to nationally recognized certification and  
 68 psychometric standards.

69 (44) "Recovery Residence" means a residential dwelling  
 70 unit, or other form of group housing, that is offered or  
 71 advertised through any form, including oral, written, electronic  
 72 or printed means, by any person or entity to be a residence that  
 73 provides a peer-supported, alcohol-free and drug-free living  
 74 environment.

75 (45) "Recovery residence administrator" means the person  
 76 responsible for overall management of the recovery residence,  
 77 including the supervision of residents and of staff employed by,  
 78 or volunteering for, the residence.

PCS for HB 479

ORIGINAL

YEAR

79 Section 2. Section 397.487, Florida Statutes, is created to  
80 read:

81 397.487 Voluntary Certification of Recovery Residences.-

82 (1) The Legislature finds that a person suffering from  
83 addiction has a higher success rate of achieving long-lasting  
84 sobriety when given the opportunity to build a stronger  
85 foundation by living in a recovery residence after completing  
86 treatment. The Legislature finds further that these persons  
87 represent a vulnerable consumer population in need of adequate  
88 housing, whom this state and its subdivisions have a legitimate  
89 state interest in protecting. It is the intent of the  
90 Legislature to protect persons who reside in a recovery  
91 residence.

92 (2) The department shall approve one or more credentialing  
93 entities for the purpose of developing and administering a  
94 voluntary certification program for recovery residences. The  
95 approved credentialing entity shall:

96 (a) Establish recovery residence certification standards.

97 (b) Establish processes to:

98 1. Administer the application, certification,  
99 recertification, and disciplinary processes.

100 2. Monitor and inspect a recovery residence and its staff  
101 to ensure compliance with the certification requirements

102 3. Interview and evaluate residents and employed and  
103 volunteer staff on their knowledge and application of  
104 certification requirements.

105        (c) Provide training for owners, managers and staff  
 106 training.  
 107        (d) Develop a code of ethics.  
 108        (e) Establish application, inspection, and annual  
 109 certification renewal fees. The application fee may not exceed  
 110 \$100. The inspection fee shall reflect actual costs for  
 111 inspections. The annual certification renewal fee may not exceed  
 112 \$100.  
 113        (3) A credentialing entity shall require the following  
 114 recovery residence's documents to be submitted with the  
 115 completed application and fee:  
 116            (a) Policy and Procedures Manual, to contain:  
 117            (i) Job descriptions for all staff positions;  
 118            (ii) Drug testing procedures and requirements;  
 119            (iii) A prohibition against alcohol, illegal drugs, and use  
 120 of prescribed medications by an individual other than who was  
 121 prescribed the medication, on the premises.  
 122            (iv) Policies to support residents' recovery efforts.  
 123            (v) A good neighbor policy to address neighborhood concerns  
 124 and complaints.  
 125            (b) Rules for residents.  
 126            (c) Copies of all forms provided to residents.  
 127            (d) Intake procedures.  
 128            (e) Relapse policy.  
 129            (f) Fee schedule.  
 130            (g) Refund policy.

131        (h) Eviction procedures and policy.  
 132        (i) Code of ethics.  
 133        (j) Proof of insurance.  
 134        (k) Background screening.  
 135        (l) Proof of satisfactory fire, safety, and health  
 136 inspections.  
 137        (4) A credentialing entity shall conduct an on-site  
 138 inspection of the recovery residence prior to issuance of a  
 139 certificate of compliance. On site follow-up monitoring of any  
 140 certified recovery residence may be conducted by the  
 141 credentialing entity to determine continuing compliance with  
 142 certification requirements. Each certified recovery residence  
 143 shall be inspected at least once during each renewal period of  
 144 certification to ensure compliance.  
 145        (5) A credentialing entity shall require that all employed  
 146 and volunteer staff of a recovery residence pass a level 2  
 147 background screening as provided in s. 435.04.  
 148        (6) A credentialing entity shall issue a certificate of  
 149 compliance upon approval of the recovery residence's application  
 150 and inspection. The certification will automatically terminate  
 151 if not renewed within one year of the date of issuance.  
 152        (7) A credentialing entity shall deny a recovery  
 153 residence's application for certification, and may suspend or  
 154 revoke a certification, if the recovery residence:  
 155        (a) Is not in compliance with any provision of this  
 156 section;

PCS for HB 479

ORIGINAL

YEAR

157 (b) Has failed to remedy any deficiency identified by the  
 158 credentialing entity within the time period specified;

159 (c) Provided false, misleading or incomplete information to  
 160 the credentialing entity.

161 (d) Has employed or volunteer staff who are subject to the  
 162 disqualifying offenses set forth in s. 434.04(2), unless an  
 163 exemption has been provided under s. 397.4872.

164 (8) It is unlawful for a person to advertise to the public,  
 165 in any way or by any medium whatsoever, any recovery residence  
 166 as a "certified recovery residence" unless such recovery  
 167 residence has first secured a certificate of compliance under  
 168 this section. Any person who violates this subsection commits a  
 169 misdemeanor of the first degree, punishable as provided in s.  
 170 775.082 or s. 775.083.

171 Section 3. 397.4871, Florida Statutes, is created to read:  
 172 397.4871 Recovery residence administrator certification.

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

181 (2) The department shall approve one or more credentialing  
 182 entities for the purpose of developing and administering a

183 volunteer credentialing program for administrators. The approved  
 184 credentialing entity shall:

185 (a) Establish recovery residence administrator core  
 186 competencies, certification standards, testing instruments, and  
 187 recertification according to nationally recognized certification  
 188 and psychometric standards.

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

191 (c) Demonstrate ability to administer:

192 1. A code of ethics and disciplinary process.

193 2. Biennial continuing education requirements and annual  
 194 certification renewal requirements.

195 3. An education provider program to approve training  
 196 entities that are qualified to provide precertification training  
 197 to applicants and continuing education opportunities to  
 198 certified persons.

199 (3) A credentialing entity shall establish a certification  
 200 program which:

201 (a) Is established according to nationally recognized  
 202 certification and psychometric standards.

203 (b) Is directly related to the core competencies.

204 (c) Establishes minimum requirements in each of the  
 205 following categories:

206 1. Training.

207 2. On-the-job work experience.

208 3. Supervision.

PCS for HB 479

ORIGINAL

YEAR

209        4. Testing.

210        5. Biennial continuing education.

211        (d) Requires adherence to a code of ethics and provide for  
 212 a disciplinary process that applies to certified persons.

213        (e) Approves qualified training entities that provide  
 214 precertification training to applicants and continuing education  
 215 to certified recovery residence administrators. To avoid a  
 216 conflict of interest, a credentialing entity or its affiliate  
 217 may not deliver training to an applicant or continuing education  
 218 to a certificate-holder.

219        (4) A credentialing entity shall require each applicant to  
 220 a pass a level 2 background screening as provided in s. 435.04.

221        (5) A credentialing entity shall establish a fee for  
 222 application, examination, certification, and for annual  
 223 certification renewal. The fee for application, examination, and  
 224 certification may not exceed \$225. The fee for annual  
 225 certification renewal may not exceed \$100.

226        (6) The credentialing entity shall issue a certificate of  
 227 compliance upon approval of an individual's application. The  
 228 certification will automatically terminate if not renewed within  
 229 one year of the date of issuance.

230        (7) Any person who is subject to the disqualifying offenses  
 231 set forth in s. 434.04(2) is ineligible to become a certified  
 232 recovery residency administrator.

233        (8) The credentialing entity shall have the discretion to  
 234 suspend or revoke the recovery residence administrator's

235 certificate of compliance if the recovery residence  
 236 administrator:  
 237 (a) Fails to adhere to the continuing education  
 238 requirements.  
 239 (b) Becomes subject to the disqualifying offenses set forth  
 240 in s. 434.04(2), unless an exemption has been provided under s.  
 241 397.4872.  
 242 (9) It is unlawful for a person to advertise to the public,  
 243 in any way or by any medium whatsoever, any recovery residence  
 244 as a "certified recovery residence administrator" unless such  
 245 person has first secured a certificate of compliance under this  
 246 section. Any person who violates this subsection commits a  
 247 misdemeanor of the first degree, punishable as provided in s.  
 248 775.082 or s. 775.083.  
 249 Section 4. 397.4872, Florida Statutes, is created to read:  
 250 397.4872 Exemption from Disqualification; Publication.-  
 251 (1) Individual exemptions to staff disqualification or  
 252 administrator ineligibility may be requested if a recovery  
 253 residence deems the decision will benefit the program. Requests  
 254 for exemptions shall be submitted in writing to the department  
 255 and include justification for the exemption.  
 256 (2) The department may exempt an individual from subsection  
 257 s. 397.487(7)(d) and s. 397.4871 (7) if it has been at least  
 258 three years since the individual has completed or been lawfully  
 259 released from confinement, supervision, or sanction for the  
 260 disqualifying offense. An exemption from the disqualifying

PCS for HB 479

ORIGINAL

YEAR

261 offenses may not be given under any circumstances for any  
 262 individual who is a:  
 263 (a) Sexual predator as designated pursuant to s. 775.21;  
 264 (b) Career offender pursuant to s. 775.261; or  
 265 (c) Sexual offender pursuant to s. 943.0435, unless the  
 266 requirement to register as a sexual offender has been removed  
 267 pursuant to s. 943.04354.  
 268 (3) A credentialing entity shall submit a list to the  
 269 department, no later than April 1, 2015, of all recovery  
 270 residences or recovery residence administrators which it has  
 271 certified and hold valid certificates of compliance. Thereafter,  
 272 a credentialing entity shall notify the department within three  
 273 business days when any new recovery residence administrator  
 274 receives a certificate or when a recovery residence  
 275 administrator's certificate expires or is terminated. The  
 276 department shall publish on its website a list of each recovery  
 277 residence and recovery residence administrator who holds a valid  
 278 certificate of compliance. A recovery residence or recovery  
 279 residence administrator shall be excluded from the list upon  
 280 written request to the department.  
 281 Section 5. subsection 10 is added to section 397.407,  
 282 Florida Statutes, to read:  
 283 397.407 Licensure process; fees.—  
 284 (10) Effective October 1, 2015, service providers licensed under  
 285 this part may refer a current or discharged patient only to a  
 286 recovery residence that holds a valid certificate of compliance

PCS for HB 479

ORIGINAL

YEAR

287 as provided in s. 397.487, is actively managed by a certified  
 288 recovery residence administrator as provided in s. 397.4871, or  
 289 both, or is owned and operated by a licensed service provider.  
 290 For purposes of this subsection, "refer" means informing by any  
 291 means about the name, address, or other details about the  
 292 recovery residence. However, nothing in this section requires a  
 293 licensed service provider to refer any patient to a recovery  
 294 residence.

295 Section 6. This act shall take effect July 1, 2014.