

HB 1229

2026

A bill to be entitled  
An act relating to residential homes for medically or  
technologically dependent children; creating part XII  
of ch. 400, F.S., entitled "Medically Complex  
Children's Homes"; creating s. 400.9991, F.S.;  
providing legislative intent; creating s. 400.9992,  
F.S.; defining the terms "agency" and "medically  
complex children's home"; creating s. 400.9993, F.S.;  
providing licensure requirements; creating s.  
400.9994, F.S.; providing application requirements;  
requiring the Agency for Health Care Administration to  
require certain background screening for certain  
persons; requiring access to a medically complex  
children's home at reasonable times for certain  
persons; requiring the agency to issue a provisional  
license to a newly licensed provider for a specified  
timeframe under certain circumstances; requiring  
issuance of a standard license to a provisionally  
licensed provider under certain circumstances;  
authorizing the agency to issue a conditional license  
for a specified timeframe to a licensed provider for  
specified reasons; requiring the agency to conduct  
inspections; creating s. 400.9995, F.S.; providing  
rulemaking authority and requirements; creating s.  
400.9996, F.S.; providing eligibility requirements for

HB 1229

2026

admission to a medically complex children's home; creating s. 400.9997, F.S.; providing uniform firesafety standards, emergency preparedness requirements, and construction standards; creating s. 400.9998, F.S.; providing for the denial, suspension, and revocation of a license; providing for administrative fines; amending s. 435.12, F.S.; requiring the Agency for Health Care Administration, by a specified date, to review and determine eligibility for specified criminal history checks; requiring the Care Provider Background Screening Clearinghouse to share eligibility determinations with specified agencies; amending ss. 400.051, 408.802, 408.820, and 408.823, F.S.; conforming provisions to changes made by the act; requiring the agency to implement certain changes by a specified date; providing an effective date.

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

**Section 1. Part XII of chapter 400, Florida Statutes, consisting of ss. 400.9991 through 400.9998, is created and entitled "Medically Complex Children's Homes."**

**Section 2. Section 400.9991, Florida Statutes, is created to read:**

51        400.9991 Legislative intent.—It is the intent of the  
52        Legislature to develop, establish, and enforce licensure and  
53        basic standards for medically complex children's homes in order  
54        to ensure that the homes are family-centered and that the  
55        medical, developmental, physiological, nutritional, and  
56        psychosocial needs of medically complex children are met.  
57        Medically complex children's homes shall serve as a safe home-  
58        like setting with clinical oversight for children with complex  
59        medical needs as an alternative to institutional care. This  
60        setting is intended to meet the needs of children and families  
61        in this state, offering smaller homes geographically close to  
62        parents and guardians to maintain family connections for the  
63        fragile children served. Medically complex children's homes are  
64        not intended to serve children whose parents and guardians live  
65        outside of this state, as out-of-state residency does not  
66        support family involvement with the child.

67        **Section 3. Section 400.9992, Florida Statutes, is created**  
68        **to read:**

69        400.9992 Definitions.—As used in this part, the term:  
70        (1) "Agency" means the Agency for Health Care  
71        Administration.  
72        (2) "Medically complex children's home" means any  
73        residential home that undertakes through its ownership or  
74        management to provide residential services for up to six  
75        medically dependent or technologically dependent children who

76 are not related to the owner or operator by blood, marriage, or  
77 adoption. A medically complex children's home serves children  
78 who are medically or technologically dependent as defined in s.  
79 400.902(6).

80 **Section 4. Section 400.9993, Florida Statutes, is created**  
81 **to read:**

82 400.9993 Licensure required; exemptions.—

83 (1) The requirements of part II of chapter 408 apply to  
84 the provision of services that require licensure pursuant to  
85 this part and part II of chapter 408 and to entities licensed by  
86 or applying for such licensure from the agency pursuant to this  
87 part. A license issued by the agency is required for the  
88 operation of a medically complex children's home in this state.

89 (2) Separate licenses shall be required for homes  
90 maintained in separate premises that are operated under the same  
91 management.

92 (3) A medical foster home licensed by the Department of  
93 Children and Families is exempt from licensure under this part.

94 (4) (a) A community residential group home licensed under  
95 chapter 393 providing residential care for medically complex  
96 children is deemed to satisfy the requirements for initial  
97 licensure under this part if the home meets all of the following  
98 criteria:

99 1. The home held a license in good standing under chapter  
100 393 on June 30, 2026.

101       2. The home shares common ownership with all of the  
102 following:

103       a. A health agency licensed under part III of chapter 400  
104 providing private duty nursing services by registered nurses or  
105 licensed practical nurses.

106       b. A prescribed pediatric extended care center licensed  
107 under part VI of chapter 400.

108       c. A home medical equipment provider licensed under part  
109 VII of chapter 400.

110       d. A health care clinic licensed under part X of chapter  
111 400 providing speech-language therapy, physical therapy, or  
112 occupational therapy.

113       (b) A community residential group home that meets the  
114 requirements in paragraph (a) shall submit an application for  
115 licensure to the agency within 60 days after the adoption of  
116 agency licensure rules and must comply with the minimum  
117 standards and requirements to maintain licensure pursuant to  
118 this part.

119       **Section 5. Section 400.9994, Florida Statutes, is created**  
120 **to read:**

121       400.9994 Licensure application requirements.—

122       (1) Each application for initial licensure or license  
123 renewal must meet the requirements specified in part II of  
124 chapter 408 and this part.

125       (2) The initial application must contain the location of

126 the medically complex children's home for which a license is  
127 sought and documentation, signed by the appropriate local  
128 government official, that states that the applicant has met  
129 local zoning requirements.

130 (3) The agency shall require level 2 background screening  
131 for personnel pursuant to s. 408.809(1)(e) and chapter 435.

132 (4) In addition to the requirements of s. 408.811, access  
133 to a medically complex children's home must be provided at  
134 reasonable times for the appropriate officials of the agency,  
135 the Department of Health, the Department of Children and  
136 Families, and the State Fire Marshal, who are responsible for  
137 the development and maintenance of fire, health, sanitary, and  
138 safety standards, and Medicaid requirements, to inspect the home  
139 to ensure compliance with these standards.

140 (5) In addition to the license categories available in s.  
141 408.808:

142 (a) The agency shall issue a provisional license for a  
143 period of up to 6 months to an applicant for initial licensure  
144 which meets the licensure criteria pursuant to this part and  
145 part II of chapter 408.

146 1. The licensed provider shall notify the agency, in  
147 writing, when at least one resident has been admitted to the  
148 home, after which an unannounced inspection shall be made to  
149 determine compliance with the requirements of a medically  
150 complex children's home.

151        2. In addition to sanctions authorized under this part, if  
152 violations are found during the inspection and the licensee  
153 fails to demonstrate compliance with all medically complex  
154 children's home requirements during a followup inspection, the  
155 licensee may not admit any new children for medically complex  
156 children's home services. The agency may extend the provisional  
157 license for not more than 1 month pending verification of  
158 correction of violations through a second followup inspection.  
159 If violations are found during the second followup inspection,  
160 the agency may not extend the provisional license any further.  
161 The licensee shall promptly create and implement a plan for the  
162 safe and orderly discharge of the children being cared for under  
163 the medically complex children's home license.

164        3. A provisionally licensed provider that demonstrates  
165 compliance with all the requirements of a medically complex  
166 children's home license during the inspection shall be issued a  
167 standard medically complex children's home license.

168        (b) The agency may issue a conditional license to a  
169 facility if, at the time of license renewal, the facility is  
170 found to have uncorrected violations that the facility has had  
171 an opportunity to correct. A conditional license must be limited  
172 to a specific period of not more than 6 months.

173        (6) The agency shall conduct licensure inspections of  
174 medically complex children's homes and quarterly monitor visits.

175        **Section 6. Section 400.9995, Florida Statutes, is created**

176 **to read:**

177 400.9995 Rules establishing minimum standards.—The agency  
178 may adopt rules to administer this part and part II of chapter  
179 408, which must include reasonable and fair minimum standards in  
180 relation to:

181 (1) A safe and sanitary environment that is residential  
182 and noninstitutional in design or nature and may allow for  
183 technological advances in the provision of care, safety, and  
184 security, including the use of devices, equipment, and other  
185 security measures related to the general safety and security of  
186 residents, staff, and the home.

187 (2) Accommodation of the needs and preferences of  
188 residents to enhance the quality of life in the home.

189 (3) The provision of individualized medical,  
190 developmental, and family training services.

191 (4) The number and qualifications of all personnel who  
192 have responsibility for the care of the children served based on  
193 the age and acuity of the children. The home must have licensed  
194 nursing staff who are on duty in the home at all times.

195 (5) All sanitary conditions within the medically complex  
196 children's home and its surroundings, including water supply,  
197 sewage disposal, food handling, and general hygiene, and  
198 maintenance staff thereof, which will ensure the health and  
199 comfort of children served.

200 (6) Programs and basic services promoting and maintaining

201 a homelike environment and the health and development of the  
202 children served, including facilitating school services. Such  
203 programs and services include development, implementation, and  
204 monitoring of a comprehensive protocol of care, developed in  
205 conjunction with the parent or guardian, which specifies the  
206 medical, nursing, psychosocial, and developmental therapies  
207 required by the medically dependent or technologically dependent  
208 child served.

209 (7) Requirements for assisting with supportive services,  
210 including, but not limited to, speech therapy, occupational  
211 therapy, physical therapy, social work, developmental services,  
212 child life services, psychological services, and transportation.

213 (8) Maintenance of appropriate medical records, data, and  
214 information relative to the children and programs. Such records  
215 shall be accessible to the agency for inspection during onsite  
216 visits.

217 (9) The use of video cameras and electronic monitoring  
218 within the home to include areas where monitoring is required  
219 and areas where monitoring is permitted with the consent of the  
220 parent or guardian of the child.

221 (10) Requirements for child bedrooms, including criteria  
222 for a private room and the permissible circumstances for a  
223 shared room.

224 (11) Discharge and transfer planning for a child,  
225 including a child who becomes ineligible for services from the

226 home. Discharge planning must be initiated at least 18 months  
227 before the child reaches 21 years of age to enable a smooth  
228 transition to an appropriate setting. The rules shall also  
229 specify advance notice requirements.

230 (12) Establishing procedures, identifying forms,  
231 specifying documentation, and clarifying terms, as necessary, to  
232 administer this part.

233 (13) Admission and assessment of children.

234 **Section 7. Section 400.9996, Florida Statutes, is created**  
235 **to read:**

236 400.9996 Resident eligibility and admission.—

237 To qualify for admission to a medically complex children's home,  
238 a child must:

239 (1) Be admitted from a higher level of care in a Florida  
240 facility such as a hospital or skilled nursing facility, or must  
241 be admitted from a family home of a parent or guardian whose  
242 primary residence is in Florida.

243 (2) Have a chronic debilitating disease or condition of  
244 one or more physiological or organ systems which generally makes  
245 the child dependent upon 24-hour-per-day medical, nursing, or  
246 health supervision or intervention. Medically fragile children  
247 are medically complex and the medical condition is such that  
248 they are technologically dependent upon medical equipment or  
249 procedures to sustain life and can expire without warning unless  
250 continually under observation.

251        (3) Have a written order by the child's attending  
252 physician in consultation with the parents or legal guardians.  
253 For Medicaid recipients, the recommendations for placement of a  
254 Medicaid applicant or recipient in the medically complex  
255 children's home must be made by the Children's Multidisciplinary  
256 Assessment Team of the Department of Health under s. 391.025.  
257 Consideration must be given to relevant medical, emotional,  
258 psychosocial, and environmental factors.

259        **Section 8. Section 400.9997, Florida Statutes, is created**  
260 **to read:**

261        400.9997 Uniform firesafety requirements; emergency  
262 preparedness; construction standards.—

263        (1) Uniform firesafety standards for medically complex  
264 children's homes, which are residential board and care  
265 occupancies, shall be established by the State Fire Marshal  
266 pursuant to s. 633.206.

267        (2) Permanent onsite generators must be installed and  
268 maintained.

269        (3) An automatic fire sprinkler system must be installed  
270 and maintained.

271        (4) A firesafety evacuation capability determination shall  
272 be conducted within 6 months after the date of initial licensure  
273 of a medically complex children's home.

274        (5) Comprehensive emergency management plans required by  
275 s. 408.821 shall be submitted for review and approval to the

276 local emergency management agency.

277 (6) All medically complex children's homes must have an  
278 annual fire inspection conducted by the local fire marshal or  
279 authority having jurisdiction.

280 (7) The requirements for the construction or renovation of  
281 a medically complex children's home shall comply with all of the  
282 following:

283 (a) The provisions of chapter 553, which pertain to  
284 building construction standards, including plumbing, electrical  
285 code, glass, manufactured buildings, and accessibility for the  
286 physically disabled.

287 (b) Section 633.206 and applicable rules pertaining to  
288 physical standards for community residential care facilities.

289 (c) The standards or rules adopted pursuant to this part  
290 and part II of chapter 408.

291 (8) The agency may adopt rules to implement this section.

292 **Section 9. Section 400.9998, Florida Statutes, is created**  
293 **to read:**

294 400.9998 Denial, suspension, and revocation of licensure;  
295 violations; administrative fines.—

296 (1) In accordance with part II of chapter 408, the agency  
297 may deny, revoke, and suspend a license and impose an  
298 administrative fine for the violation of any provision of this  
299 part, part II of chapter 408, or applicable rules.

300 (2) A violation of this part, part II of chapter 408, or

301 applicable rules is subject to fines specified in s. 408.813. A  
302 violation shall be classified according to the nature of the  
303 violation and the gravity of its probable effect on residents.  
304 The agency shall indicate the classification on the written  
305 notice of the violation as follows:

306       (a) Class "I" violations as described in s. 408.813. The  
307 agency shall issue a citation regardless of correction and  
308 impose an administrative fine of \$500 for an isolated violation,  
309 \$750 for a patterned violation, or \$1,000 for a widespread  
310 violation.

311       (b) Class "II" violations as described in s. 408.813. The  
312 agency shall impose an administrative fine of \$400 for an  
313 isolated violation, \$600 for a patterned violation, or \$800 for  
314 a widespread violation.

315       (c) Class "III" violations as described in s. 408.813. The  
316 agency shall impose an administrative fine of \$200 for an  
317 isolated violation, \$300 for a patterned violation, or \$400 for  
318 a widespread violation. If a deficiency giving rise to a class  
319 III violation is corrected within the time specified by the  
320 agency, the fine may not be imposed.

321       (d) Class "IV" violations as described in s. 408.813. The  
322 agency shall impose for a cited class IV violation an  
323 administrative fine of at least \$100 but not exceeding \$200 for  
324 each violation. If a deficiency giving rise to a class IV  
325 violation is corrected within the time specified by the agency,

HB 1229

2026

326 the fine may not be imposed.

327 (3) The agency may impose an administrative fine for an  
328 unclassified violation pursuant to s. 408.813(3). The agency may  
329 impose an administrative fine of \$500 if a licensee is found not  
330 to be in compliance with the background screening requirements  
331 as provided in s. 408.809.

332 **Section 10. Subsection (1) of section 435.12, Florida**  
333 **Statutes, is amended to read:**

334 435.12 Care Provider Background Screening Clearinghouse.—

335 (1) The Agency for Health Care Administration in  
336 consultation with the Department of Law Enforcement shall create  
337 a secure web-based system, which shall be known as the "Care  
338 Provider Background Screening Clearinghouse" or "clearinghouse."  
339 The clearinghouse must allow the results of criminal history  
340 checks provided to the specified agencies and, beginning January  
341 1, 2026, or a later date as determined by the Agency for Health  
342 Care Administration, to qualified entities participating in the  
343 clearinghouse for screening of persons qualified as care  
344 providers under s. 943.0542 to be shared among the specified  
345 agencies and qualified entities when a person has applied to  
346 volunteer, be employed, be licensed, enter into a contract, or  
347 has an affiliation that allows or requires a state and national  
348 fingerprint-based criminal history check. Beginning January 1,  
349 2025, or a later date as determined by the Agency for Health  
350 Care Administration, the Agency for Health Care Administration

351 shall review and determine eligibility for all criminal history  
352 checks submitted to the clearinghouse for the Department of  
353 Education. The clearinghouse shall share eligibility  
354 determinations with the Department of Education and the  
355 qualified entities. Beginning July 1, 2028, or a later date as  
356 determined by the Agency for Health Care Administration, the  
357 agency shall review and determine eligibility for all criminal  
358 history checks submitted to the clearinghouse for specified  
359 agencies as defined in s. 435.02. The clearinghouse shall share  
360 eligibility determinations with the specified agencies. The  
361 Agency for Health Care Administration and the Department of Law  
362 Enforcement may adopt rules to create forms or implement  
363 procedures needed to carry out this section.

364 **Section 11. Paragraph (d) is added to subsection (1) of**  
365 **section 400.051, Florida Statutes, to read:**

366 400.051 Homes or institutions exempt from the provisions  
367 of this part.—

368 (1) The following shall be exempt from the provisions of  
369 this part:

370 (d) Any medically complex children's home licensed under  
371 part XII of this chapter.

372 **Section 12. Subsection (26) is added to section 408.802,**  
373 **Florida Statutes, to read:**

374 408.802 Applicability.—This part applies to the provision  
375 of services that require licensure as defined in this part and

HB 1229

2026

376 to the following entities licensed, registered, or certified by  
377 the agency, as described in chapters 112, 383, 390, 394, 395,  
378 400, 429, 440, and 765:

379 (26) Medically complex children's homes, as provided under  
380 part XII of chapter 400.

381 **Section 13. Subsection (25) is added to section 408.820,**  
382 **Florida Statutes, to read:**

383 408.820 Exemptions.—Except as prescribed in authorizing  
384 statutes, the following exemptions shall apply to specified  
385 requirements of this part:

386 (25) Medically complex children's homes, as provided under  
387 part XII of chapter 400, are exempt from s. 408.810(10).

388 **Section 14. Subsection (1) of section 408.823, Florida**  
389 **Statutes, is amended to read:**

390 408.823 In-person visitation.—

391 (1) This section applies to developmental disabilities  
392 centers as defined in s. 393.063, hospitals licensed under  
393 chapter 395, nursing home facilities licensed under part II of  
394 chapter 400, hospice facilities licensed under part IV of  
395 chapter 400, intermediate care facilities for the  
396 developmentally disabled licensed and certified under part VIII  
397 of chapter 400, medically complex children's homes licensed  
398 under part XII of chapter 400, and assisted living facilities  
399 licensed under part I of chapter 429.

400 **Section 15.** This act shall take effect July 1, 2026.