

1 A bill to be entitled
2 An act relating to residential homes for medically or
3 technologically dependent children; creating part XII
4 of ch. 400, F.S., entitled "Medically Complex
5 Children's Homes"; creating s. 400.9991, F.S.;
6 providing legislative intent; creating s. 400.9992,
7 F.S.; defining the terms "agency" and "medically
8 complex children's home"; creating s. 400.9993, F.S.;
9 providing licensure requirements; creating s.
10 400.9994, F.S.; providing application requirements;
11 requiring the Agency for Health Care Administration to
12 require certain background screening for certain
13 persons; requiring access to a medically complex
14 children's home at reasonable times for certain
15 persons; requiring the agency to issue a provisional
16 license to a newly licensed provider for a specified
17 timeframe under certain circumstances; requiring
18 issuance of a standard license to a provisionally
19 licensed provider under certain circumstances;
20 authorizing the agency to issue a conditional license
21 for a specified timeframe to a licensed provider for
22 specified reasons; requiring the agency to conduct
23 inspections; creating s. 400.9995, F.S.; providing
24 rulemaking authority and requirements; creating s.
25 400.9996, F.S.; providing eligibility requirements for

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.

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

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

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

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

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

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

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

(5) Comprehensive emergency management plans required by 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,

the fine may not be imposed.

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

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

435.12 Care Provider Background Screening Clearinghouse.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

408.823 In-person visitation.—

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

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