

**By Senator Harrell**

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30                   requiring the Care Provider Background Screening  
31                   Clearinghouse to share eligibility determinations with  
32                   specified agencies; amending ss. 400.051, 408.802,  
33                   408.820, and 408.823, F.S.; conforming provisions to  
34                   changes made by the act; providing an effective date.

35  
36                   Be It Enacted by the Legislature of the State of Florida:

37  
38                   Section 1. Part XII of chapter 400, Florida Statutes,  
39                   consisting of ss. 400.9991-400.9998, is created and entitled  
40                   "Medically Complex Children's Homes."

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

43                   400.9991 Legislative intent.—It is the intent of the  
44                   Legislature to develop, establish, and enforce licensure  
45                   requirements and basic standards for medically complex  
46                   children's homes in order to ensure that the homes are family-  
47                   centered and that the medical, developmental, physiological,  
48                   nutritional, and psychosocial needs of medically complex  
49                   children residing in such homes are met. Medically complex  
50                   children's homes shall serve as a safe home-like setting with  
51                   clinical oversight for children with complex medical needs as an  
52                   alternative to institutional care. This setting is intended to  
53                   meet the needs of children and families in this state, offering  
54                   smaller homes geographically close to parents and guardians to  
55                   maintain family connections for the medically complex children  
56                   served. Medically complex children's homes are not intended to  
57                   serve children whose parents and guardians live outside of this  
58                   state, as out-of-state residency does not support family

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59 involvement with the child.60 Section 3. Section 400.9992, Florida Statutes, is created  
61 to read:62 400.9992 Definitions.—As used in this part, the term:63 (1) "Agency" means the Agency for Health Care  
64 Administration.65 (2) "Medically complex children's home" means any  
66 residential home that undertakes, through its ownership or  
67 management, to provide residential services for up to six  
68 children who are medically dependent or technologically  
69 dependent upon medical equipment or procedures and who are not  
70 related to the owner or operator of the home by blood, marriage,  
71 or adoption. A medically complex children's home serves  
72 medically dependent or technologically dependent children as  
73 defined in s. 400.902(6).74 Section 4. Section 400.9993, Florida Statutes, is created  
75 to read:76 400.9993 Licensure required; exemptions.—77 (1) The requirements of part II of chapter 408 apply to the  
78 provision of services that require licensure pursuant to this  
79 part and part II of chapter 408 and to entities licensed by or  
80 applying for such licensure from the agency pursuant to this  
81 part. A license issued by the agency is required for the  
82 operation of a medically complex children's home in this state.83 (2) Separate licenses are required for homes maintained in  
84 separate premises which are operated under the same management.85 (3) A medical foster home licensed by the Department of  
86 Children and Families is exempt from licensure under this part.87 (4) (a) A community residential group home licensed under

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88 chapter 393 which provides residential care for medically  
89 complex children is deemed to satisfy the requirements for  
90 initial licensure under this part if the home meets each of the  
91 following criteria:

92 1. The home held a license in good standing under chapter  
93 393 as of June 30, 2026.

94 2. The home shares common ownership with all of the  
95 following:

96 a. A health agency licensed under part III of chapter 400  
97 providing private duty nursing services by registered nurses or  
98 licensed practical nurses.

99 b. A prescribed pediatric extended care center licensed  
100 under part VI of chapter 400.

101 c. A home medical equipment provider licensed under part  
102 VII of chapter 400.

103 d. A health care clinic licensed under part X of chapter  
104 400 providing speech-language therapy, physical therapy, or  
105 occupational therapy.

106 (b) A community residential group home that meets the  
107 requirements in paragraph (a) must submit an application for  
108 licensure to the agency within 60 days after the adoption of  
109 agency licensure rules and must comply with the minimum  
110 standards and requirements to maintain licensure pursuant to  
111 this part.

112 Section 5. Section 400.9994, Florida Statutes, is created  
113 to read:

114 400.9994 Licensure application requirements.—

115 (1) Each application for initial licensure or license  
116 renewal must meet the requirements specified in this part and

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117 part II of chapter 408.118 (2) The initial application must contain the location of  
119 the medically complex children's home for which a license is  
120 sought and documentation, signed by the appropriate local  
121 government official, which states that the applicant has met  
122 local zoning requirements.123 (3) The agency shall require level 2 background screening  
124 for personnel pursuant to s. 408.809(1)(e) and chapter 435.125 (4) In addition to the requirements of s. 408.811, access  
126 to a medically complex children's home must be provided at  
127 reasonable times for the appropriate officials of the agency,  
128 the Department of Health, the Department of Children and  
129 Families, and the State Fire Marshal, who are responsible for  
130 the development and maintenance of fire, health, sanitary, and  
131 safety standards, and Medicaid requirements, to inspect the home  
132 to ensure compliance with these standards.133 (5) In addition to the license categories available in s.  
134 408.808:135 (a) The agency shall issue a provisional license for a  
136 period of no more than 6 months to an applicant for initial  
137 licensure which meets all of the licensure requirements of this  
138 part and part II of chapter 408.139 1. The licensee shall notify the agency in writing when at  
140 least one child has been admitted to the home, after which an  
141 unannounced inspection shall be made to determine compliance  
142 with the requirements of a medically complex children's home.143 2. A provisional licensee that demonstrates compliance with  
144 all the requirements of a medically complex children's home  
145 license during the inspection must be issued a medically complex

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146 children's home license.

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

160 (b) The agency may issue a conditional license to a  
161 facility if, at the time of license renewal, the facility is  
162 found to have any uncorrected violation that the facility had an  
163 opportunity to correct. A conditional license must be limited to  
164 a specified period not exceeding 6 months.

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

167 Section 6. Section 400.9995, Florida Statutes, is created  
168 to read:

169 400.9995 Rules establishing minimum standards.—The agency  
170 may adopt rules to administer this part and part II of chapter  
171 408, which rules must include reasonable and fair minimum  
172 standards in relation to all of the following:

173 (1) A safe and sanitary environment that is residential and  
174 noninstitutional in design or nature and allows for

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175 technological advances in the provision of care, safety, and  
176 security, including the use of devices, equipment, and other  
177 security measures related to the general safety and security of  
178 residents, staff, and the home.

179 (2) Accommodation of the needs and preferences of residents  
180 to enhance the quality of life in a medically complex children's  
181 home.

182 (3) The provision of individualized medical, developmental,  
183 and family training services.

184 (4) The number and qualifications of all personnel  
185 responsible for the care of the children served, based on the  
186 age and acuity of the children. A medically complex children's  
187 home must have licensed nursing staff on duty in the home at all  
188 times.

189 (5) All sanitary conditions within the medically complex  
190 children's home and its surroundings, including water supply,  
191 sewage disposal, food handling, and general hygiene, and  
192 maintenance thereof, which will ensure the health and comfort of  
193 the children served.

194 (6) Programs and basic services promoting and maintaining a  
195 homelike environment and the health and development of the  
196 children served, including facilitating school services. Such  
197 programs and services must include development, implementation,  
198 and monitoring of a comprehensive protocol of care, developed in  
199 conjunction with the parent or guardian, which specifies the  
200 medical, nursing, psychosocial, and developmental therapies  
201 required by the medically dependent or technologically dependent  
202 child served.

203 (7) Requirements for assisting with supportive services,

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204 including, but not limited to, speech therapy, occupational  
205 therapy, physical therapy, social work, child development and  
206 psychological services, and transportation.

207 (8) Maintenance of appropriate medical records, data, and  
208 information relative to the children and programs. Such records  
209 must be accessible to the agency for inspection during onsite  
210 visits.

211 (9) The use of video cameras and electronic monitoring  
212 within the medically complex children's home to include areas  
213 where monitoring is required and areas where monitoring is  
214 permitted only with the consent of the resident's parent or  
215 guardian.

216 (10) Requirements for child bedrooms, including criteria  
217 for a private room and the permissible circumstances for a  
218 shared room.

219 (11) Discharge and transfer planning for a child, including  
220 a child who becomes ineligible for services from the home.  
221 Discharge planning must be initiated at least 18 months before  
222 the resident's 21st birthday to enable a smooth transition to an  
223 appropriate setting. The rules must also specify advance notice  
224 requirements.

225 (12) Admission and assessment of children.

226 (13) Establishment of necessary procedures, identification  
227 of forms, specification of required documentation, and  
228 clarification of terms, as necessary, to administer this part.

229 Section 7. Section 400.9996, Florida Statutes, is created  
230 to read:

231 400.9996 Resident eligibility and admission.—To qualify for  
232 admission to a medically complex children's home, a child must:

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233        (1) Be admitted from a higher level of care in an in-state  
234 facility, such as a hospital or skilled nursing facility, or  
235 from the home of a parent or guardian whose primary residence is  
236 in this state.

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

245        (3) Have a written order by the child's attending physician  
246 in consultation with the parent or legal guardian. The  
247 recommendations for placement of a Medicaid applicant or  
248 recipient in the medically complex children's home must be made  
249 by the Children's Multidisciplinary Assessment Team of the  
250 Department of Health under s. 391.025. Consideration must be  
251 given to relevant medical, emotional, psychosocial, and  
252 environmental factors.

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

255        400.9997 Uniform firesafety requirements; emergency  
256 preparedness; construction standards.—

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

261        (2) Permanent onsite generators must be installed and

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262 maintained.263 (3) An automatic fire sprinkler system must be installed  
264 and maintained.265 (4) A firesafety evacuation capability determination must  
266 be conducted within 6 months after the date of initial licensure  
267 of a medically complex children's home.268 (5) Comprehensive emergency management plans required by s.  
269 408.821 must be submitted for review and approval to the local  
270 emergency management agency.271 (6) All medically complex children's homes must have an  
272 annual fire inspection conducted by the local fire marshal or  
273 authority having jurisdiction.274 (7) The requirements for the construction or renovation of  
275 a medically complex children's home must comply with all of the  
276 following:277 (a) The provisions of chapter 553 pertaining to building  
278 construction standards, including plumbing, electrical codes,  
279 glass, manufactured buildings, and accessibility for the  
280 physically disabled.281 (b) Section 633.206 and applicable rules pertaining to  
282 physical standards for community residential care facilities.283 (c) The standards or rules adopted pursuant to this part  
284 and part II of chapter 408.285 (8) The agency may adopt rules to implement this section.  
286 Section 9. Section 400.9998, Florida Statutes, is created  
287 to read:288 400.9998 Denial, suspension, and revocation of licensure;  
289 violations; administrative fines.—290 (1) In accordance with part II of chapter 408, the agency

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291 may deny, revoke, and suspend a license and impose an  
292 administrative fine for the violation of any provision of this  
293 part, part II of chapter 408, or applicable rules.

294 (2) A violation of this part, part II of chapter 408, or  
295 applicable rules is subject to fines specified in s. 408.813. A  
296 violation must be classified according to the nature of the  
297 violation and the gravity of its probable effect on residents.  
298 The agency shall indicate the classification on the written  
299 notice of the violation as follows:

300 (a) Class I violations as described in s. 408.813. The  
301 agency shall issue a citation regardless of correction and  
302 impose an administrative fine of \$500 for an isolated violation,  
303 \$750 for a patterned violation, or \$1,000 for a widespread  
304 violation.

305 (b) Class II violations as described in s. 408.813. The  
306 agency shall impose an administrative fine of \$400 for an  
307 isolated violation, \$600 for a patterned violation, or \$800 for  
308 a widespread violation.

309 (c) Class III violations as described in s. 408.813. The  
310 agency shall impose an administrative fine of \$200 for an  
311 isolated violation, \$300 for a patterned violation, or \$400 for  
312 a widespread violation. If a deficiency giving rise to a class  
313 III violation is corrected within the time specified by the  
314 agency, the fine may not be imposed.

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

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320 the fine may not be imposed.

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

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

328 435.12 Care Provider Background Screening Clearinghouse.—

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

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

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

360       400.051 Homes or institutions exempt from the provisions of  
361 this part.—

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

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

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

368       408.802 Applicability.—This part applies to the provision  
369 of services that require licensure as defined in this part and  
370 to the following entities licensed, registered, or certified by  
371 the agency, as described in chapters 112, 383, 390, 394, 395,  
372 400, 429, 440, and 765:

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

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

377       408.820 Exemptions.—Except as prescribed in authorizing

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378 statutes, the following exemptions shall apply to specified  
379 requirements of this part:

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

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

384 408.823 In-person visitation.—

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

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