

By Senator Harrell

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A bill to be entitled
An act relating to the Agency for Health Care
Administration; 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; providing an exception; 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 that a medically complex children's
home be accessible at reasonable times for certain
persons; providing for provisional and conditional
licensure; requiring the agency to conduct inspections
at a specified frequency; creating s. 400.9995, F.S.;
authorizing the agency to adopt certain rules;
creating s. 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; specifying classification of
fines; amending s. 435.12, F.S.; requiring the agency,
by a specified date, to review and determine
eligibility for specified criminal history checks;

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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; 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. 400.9991-400.9998, is created and entitled "Medically Complex Children's Homes."

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

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

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involvement with the child.

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

400.9992 Definitions.—As used in this part, the term:

(1) "Agency" means the Agency for Health Care Administration.

(2) "Medically complex children's home" means any residential home that undertakes, through its ownership or management, to provide residential services for up to six children who are medically dependent or technologically dependent upon medical equipment or procedures and who are not related to the owner or operator of the home by blood, marriage, or adoption. A medically complex children's home serves medically dependent or technologically dependent children as defined in s. 400.902(6).

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

400.9993 Licensure required; exemptions.—

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

(2) Separate licenses are required for homes maintained in separate premises which are operated under the same management.

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

(4) (a) A community residential group home licensed under

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

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

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

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

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

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

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

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

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

400.9994 Licensure application requirements.—

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

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part II of chapter 408.

(2) The initial application must contain the location of the medically complex children's home for which a license is sought and documentation, signed by the appropriate local government official, which states that the applicant has met local zoning requirements.

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

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

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

(a) The agency shall issue a provisional license for a period of no more than 6 months to an applicant for initial licensure which meets all of the licensure requirements of this part and part II of chapter 408.

1. The licensee shall notify the agency in writing when at least one child has been admitted to the home, after which an unannounced inspection shall be made to determine compliance with the requirements of a medically complex children's home.

2. A provisional licensee that demonstrates compliance with all the requirements of a medically complex children's home 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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technological advances in the provision of care, safety, and security, including the use of devices, equipment, and other security measures related to the general safety and security of residents, staff, and the home.

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

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

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

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

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

(7) Requirements for assisting with supportive services,

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

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

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

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

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

(12) Admission and assessment of children.

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

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

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

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

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

(3) Have a written order by the child's attending physician in consultation with the parent or legal guardian. 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

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maintained.

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

(4) A firesafety evacuation capability determination must 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 must be submitted for review and approval to the local emergency management agency.

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

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

(a) The provisions of chapter 553 pertaining to building construction standards, including plumbing, electrical codes, glass, manufactured buildings, and accessibility for the physically disabled.

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

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

(8) The agency may adopt rules to implement this section.
Section 9. Section 400.9998, Florida Statutes, is created to read:

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

(1) In accordance with part II of chapter 408, the agency

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

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

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

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

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

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

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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

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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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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.