

By Senator Garcia

36-00615-26

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A bill to be entitled
An act relating to postsurgical recovery homes;
creating part XII of ch. 400, F.S., entitled
"Postsurgical Recovery Home Safety Act"; creating s.
400.9991, F.S.; providing a short title; creating s.
400.9992, F.S.; providing legislative findings and
intent; creating s. 400.9993, F.S.; defining terms;
creating s. 400.9994, F.S.; providing licensure
requirements to operate a postsurgical recovery home;
requiring inspections before issuing a license and
annually thereafter; creating s. 400.9995, F.S.;
providing minimum standards for staff and facilities;
creating s. 400.9996, F.S.; prohibiting operating or
advertising a postsurgical recovery home without a
license; prohibiting a postsurgical recovery home from
providing patient care without meeting certain
staffing requirements; creating s. 400.9997, F.S.;
providing penalties; creating s. 400.9998, F.S.;
requiring the Agency for Health Care Administration to
adopt rules; 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, Florida Statutes,
is created and entitled "Postsurgical Recovery Home Safety Act."

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

400.9991 Short title.—Sections 400.9991-400.9998 may be

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30 cited as the "Postsurgical Recovery Home Safety Act."

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

33 400.9992 Legislative findings and intent.—The Legislature
34 finds that unregulated facilities providing care to patients
35 recovering from surgical or medical procedures present risks to
36 patient safety, health, and well-being. It is the intent of the
37 Legislature to establish clear standards, licensing
38 requirements, and oversight for such facilities to ensure the
39 safe recovery of patients and to prevent confusion with
40 addiction recovery residences.

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

43 400.9993 Definitions.—As used in this part, the term:

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

46 (2) "Patient" means an individual admitted to a
47 postsurgical recovery home following a medical or surgical
48 procedure.

49 (3) "Postsurgical recovery home" means a licensed
50 residential facility providing short-term, nonacute care and
51 support to patients recovering from surgical or medical
52 procedures which is staffed with licensed health care
53 professionals.

54 (4) "Recovery plan" means a written care plan developed in
55 coordination with the patient's surgeon or medical provider
56 outlining necessary postoperative care.

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

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400.9994 Licensure.—

(1) A person or an entity must be licensed by the agency to operate a postsurgical recovery home.

(2) An applicant for licensure must submit all of the following:

(a) Proof of compliance with all facility safety standards.

(b) Criminal background checks for all owners and staff.

(c) Proof of general liability and medical malpractice insurance.

(3) The agency shall inspect each postsurgical recovery home before issuing a license and annually thereafter.

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

400.9995 Minimum standards for postsurgical recovery homes.—

(1)(a) At least one licensed practical nurse or registered nurse must be on site or on call 24 hours a day, 7 days a week.

(b) All staff must be trained in cardiopulmonary resuscitation, basic wound care, and postoperative care procedures.

(2) The ratio of staff to patients must be maintained as follows:

(a) Daytime: 1 to 8.

(b) Nighttime: 1 to 6.

(3) Facility safety standards must include all of the following:

(a) Patient rooms and bathrooms that comply with the Americans with Disabilities Act.

(b) Emergency power supply for critical equipment.

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88 (c) Proper disposal of medical waste.

89 (4) Each facility must maintain:

90 (a) Written hurricane evacuation and disaster response
91 plans.

92 (b) Contracts with nearby hospitals for emergency
93 transfers.

94 (5) Each facility shall provide a patient, the patient's
95 family, or any other person acting on behalf of the patient
96 with:

97 (a) A written service agreement before admission.

98 (b) Access to a copy of the recovery plan.

99 (c) The visitor access policy to prevent isolation.

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

102 400.9996 Prohibited acts.—It is unlawful to:

103 (1) Operate a postsurgical recovery home without a license.

104 (2) Advertise a facility without a license as a
105 postsurgical recovery home.

106 (3) Provide patient care in a postsurgical recovery home
107 without adequately trained on-duty staff.

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

110 400.9997 Penalties.—

111 (1) Any person or entity that violates this part is subject
112 to:

113 (a) A civil fine of up to \$10,000 per violation.

114 (b) Immediate suspension or revocation of license.

115 (2) Any person or entity that operates a postsurgical
116 recovery home without a license commits a felony of the third

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117 degree, punishable as provided in s. 775.082, s. 775.083, or s.
118 775.084.

119 Section 9. Section 400.9998, Florida Statutes, is created
120 to read:

121 400.9998 Rulemaking.—The agency shall adopt necessary rules
122 to implement this part, including, but not limited to, licensing
123 application and renewal procedures, inspection protocols, and
124 training standards for staff.

125 Section 10. This act shall take effect July 1, 2026.