

By Senator Calatayud

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A bill to be entitled

An act relating to home health services; amending s. 400.506, F.S.; requiring nurse registries to provide a written disclosure to clients at intake and annually thereafter; specifying requirements for the disclosure; requiring the Agency for Health Care Administration to adopt rules; prohibiting nurse registries from using specified terms in their business names, advertising, websites, and promotional materials; requiring nurse registries to include the term "nurse registry" in their business names and display their license numbers prominently in all marketing and advertising, including on digital platforms; requiring nurse registries to display a specified disclaimer on their websites and in all digital and print marketing materials; requiring nurse registries to file a current fee schedule with the agency and provide it to clients before initiating services; specifying requirements for the fee schedule; providing for administrative penalties; amending s. 400.509, F.S.; providing that registered homemakers and companions are subject to initial and periodic inspections by the agency; requiring the agency to adopt certain rules; specifying requirements for the scope of such inspections; requiring registered homemakers and companions to provide a written disclosure to clients upon initiation of services and annually thereafter; specifying requirements for the disclosure; requiring the agency

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to adopt rules; prohibiting registered homemakers and companions from using specified terms in their business names, advertising, websites, and promotional materials; requiring registered homemakers and companions to include the phrase "homemaker services" or "companion services," as applicable, in their business names and display their registration numbers in all marketing and advertising, including on digital platforms; requiring registered homemakers and companions to display a specified disclaimer on their websites and in all digital and print marketing materials; specifying recordkeeping requirements for registered homemakers and companions; requiring registered homemakers and companions to document and report to the agency any adverse incidents or complaints; requiring the agency to establish by rule certain procedures; providing for administrative penalties; amending s. 408.803, F.S.; revising the definition of the term "low-risk provider" to exclude nurse registries; amending s. 817.505, F.S.; revising applicability of certain patient brokering prohibitions; providing an effective date.

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

Section 1. Present subsections (15) through (20) of section 400.506, Florida Statutes, are redesignated as subsections (20), (21), (22), (17), (18), and (19), respectively, new subsections (15) and (16) are added to that section, and present subsection

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(20) of that section is amended, to read:

400.506 Licensure of nurse registries; requirements;
penalties.—

(15) (a) Each nurse registry shall provide a standardized
written disclosure to clients at intake and annually thereafter
which must meet all of the following requirements:

1. Be presented in at least 14-point bold type.

2. Include a signed acknowledgment of receipt by the client
or the client's representative.

3. Contain the following information:

a. A disclaimer as specified in paragraph (16) (c) informing
clients that caregivers referred by the nurse registry are
independent contractors and not employees of the nurse registry.

b. The nurse registry's insurance status, including the
type and amount of liability coverage it carries.

c. Instructions for filing complaints, including the
contact information for state hotlines, such as the central
abuse hotline and the agency's consumer hotline, and the
applicable professional licensing boards.

d. A clear explanation of the risks associated with patient
transport or the operation of lifting equipment, along with
documentation of the client's consent or refusal to engage in
such activities.

(b) The agency shall adopt rules to implement this
subsection, including development of standard disclosure
templates and acknowledgment forms.

(16) (a) A nurse registry may not use the terms "home
health," "home health care," or "agency" in its business name,
advertising, website, or promotional materials.

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88 (b) Each nurse registry must include the term "nurse
89 registry" in its licensed business name and display its license
90 number prominently in all marketing and advertising, including
91 on digital platforms.

92 (c) Each nurse registry must display, in a clear and
93 conspicuous manner on its website and in all digital or print
94 marketing materials, the following disclaimer: "All caregivers
95 referred by this nurse registry are independent contractors, not
96 employees of the nurse registry. By law, the nurse registry does
97 not have any authority to supervise, manage, or train caregivers
98 and does not assume any responsibility for their actions or the
99 services they provide."

100 (d) Each nurse registry shall file a current fee schedule
101 with the agency and provide the schedule to clients before
102 initiating services. The fee schedule must clearly disclose all
103 costs and charges in a manner understandable to the general
104 public.

105 (e) The agency may impose administrative penalties for
106 failure to comply with this subsection.

107 (19)~~(20)~~ Records required to be filed under this chapter
108 with the nurse registry as a repository of records must be kept
109 in accordance with rules adopted by the agency. The nurse
110 registry has no obligation to review or act upon such records
111 except as specified in subsection (18) ~~(19)~~.

112 Section 2. Present subsections (6) and (7) of section
113 400.509, Florida Statutes, are redesignated as subsections (10)
114 and (11), respectively, new subsections (6) and (7) and
115 subsections (8) and (9) are added to that section, and present
116 subsections (6) and (7) of that section are amended, to read:

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117 400.509 Registration of particular service providers exempt
118 from licensure; certificate of registration; regulation of
119 registrants.—

120 (6) (a) Registered homemakers and companions are subject to
121 an initial inspection and periodic inspections by the agency to
122 determine compliance with applicable laws and rules.

123 (b) The agency shall adopt rules establishing the frequency
124 and scope of such inspections, which must occur at least once
125 every 36 months.

126 (c) The scope of inspections must include, but need not be
127 limited to, a review of service records, client disclosures,
128 background screening documentation, and compliance with
129 marketing standards specified in subsection (8).

130 (7) (a) Registered homemakers and companions shall provide a
131 standardized written disclosure to clients upon initiation of
132 services and annually thereafter which must meet all of the
133 following requirements:

134 1. Be presented in at least 14-point bold type.

135 2. Include a signed acknowledgment of receipt by the client
136 or the client's representative.

137 3. Contain the following information:

138 a. A disclaimer as specified in paragraph (8) (c) informing
139 clients that services provided by a homemaker or a companion are
140 limited to nonmedical, non-hands-on care.

141 b. The homemaker's or companion's insurance status,
142 including the type and amount of liability coverage he or she
143 carries.

144 c. Instructions for filing complaints, including the
145 contact information for state hotlines, such as the central

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146 abuse hotline and the agency's consumer hotline, and the
147 applicable professional licensing boards.

148 d. An explanation of the homemaker's or companion's scope
149 and limitations, including the prohibition against personal care
150 or medical services.

151 e. A disclosure of whether the homemaker or companion is an
152 employee of the referring entity or an independent contractor.

153 (b) The agency shall adopt rules to implement this
154 subsection, including development of standard disclosure
155 templates and acknowledgment forms.

156 (8)(a) Registered homemakers and companions may not use the
157 terms "home health," "home health care," "nursing," "nurse
158 registry," or "agency" in their business names, advertising,
159 website, or promotional materials.

160 (b) Registered homemakers and companions must include the
161 phrase "homemaker services" or "companion services," as
162 applicable, in their licensed business names and display their
163 registration numbers prominently in all marketing and
164 advertising, including on digital platforms.

165 (c) Registered homemakers and companions must display, in a
166 clear and conspicuous manner on their websites and in all
167 digital or print marketing materials, the following disclaimer:
168 "This business provides homemaker or companion services only.
169 Offered services do not include personal care or any hands-on
170 health care. By law, homemakers and companions may not assist
171 with activities requiring a health care license or
172 certification."

173 (9)(a) Registered homemakers and companions shall maintain
174 accurate, chronological service records for each client,

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including caregiver assignments, incident reports, and acknowledgment of required disclosures.

(b) Registered homemakers and companions shall document and report to the agency any adverse incidents or complaints, as required by agency rule.

(10) (a) The agency shall establish by rule procedures for investigating complaints against registered homemakers and companions, including providing for unannounced agency inspections.

(b) The agency may impose administrative fines or other sanctions for violations of this section or rules adopted pursuant to this section.

(c) ~~(6)~~ In addition to any other penalties imposed pursuant to this section or part, the agency may assess costs related to an investigation that results in a successful prosecution, excluding costs associated with an attorney's time.

(11) ~~(7)~~ The agency ~~for Health Care Administration~~ shall adopt rules to administer this section and part II of chapter 408.

Section 3. Subsection (10) of section 408.803, Florida Statutes, is amended to read:

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

(10) "Low-risk provider" means a nonresidential provider, including ~~a nurse registry~~, a home medical equipment provider, or a health care clinic.

Section 4. Paragraph (h) of subsection (3) of section 817.505, Florida Statutes, is amended to read:

817.505 Patient brokering prohibited; exceptions; penalties.—

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204 (3) This section shall not apply to the following payment
205 practices:

206 ~~(h) Commissions or fees paid to a nurse registry licensed~~
207 ~~under s. 400.506 for referring persons providing health care~~
208 ~~services to clients of the nurse registry.~~

209 Section 5. This act shall take effect July 1, 2026.