

# FLORIDA HOUSE OF REPRESENTATIVES

## BILL ANALYSIS

*This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.*

**BILL #:** [CS/HB 565](#)

**TITLE:** Agency for Persons with Disabilities

**SPONSOR(S):** Tant and Weinberger

**COMPANION BILL:** [CS/SB 794](#) (Jones)

**LINKED BILLS:** None

**RELATED BILLS:** [CS/SB 794](#) (Jones)

### Committee References

[Human Services](#)

17 Y, 0 N, As CS

[Health Care Budget](#)

13 Y, 0 N

[Health & Human Services](#)

## SUMMARY

### Effect of the Bill:

The bill requires all employees of residential facilities and adult day training programs licensed by the Agency for Persons with Disabilities (APD) to undergo a level 2 background screening.

The bill requires APD to contract with a state university to develop and administer surveys of owners and operators of qualified organizations, waiver support coordinators (WSC), and iBudget clients and their families and caregivers for the purpose of enhancing waiver support coordination services in this state.

The bill requires APD to solicit relevant input on enhancing waiver support coordinator services, conduct at least one public hearing for this purpose in each service region of the state, and conduct or contract for a gap analysis to assess the caseload capacity of WSCs.

The bill requires APD to submit a report to the Governor and Legislature that identifies specific core competencies for WSCs and performance measures to assess such, recommendations on how to standardize WSC assessment, along with the state university's report on its survey results.

### Fiscal or Economic Impact:

The bill will have a significant, negative fiscal impact on APD to implement the bill. The bill will also have a significant, indeterminate negative fiscal impact on residential facilities and adult day training programs licensed by APD to background screen all employees. Contingent upon the bill's passage, anticipated fiscal impacts incurred by APD as a result of implementing the bill may be addressed through the appropriations process or reflected in the Agency's Legislative Budget Request.

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## ANALYSIS

### EFFECT OF THE BILL:

The bill requires all employees of [residential facilities](#) and [adult day training](#) programs licensed by the [Agency for Persons with Disabilities](#) (APD) to undergo a level 2 [criminal background screening](#). Current law only requires managers and supervisors of residential facilities and adult day training programs to submit to background screening.

The bill requires APD to contract with a state university to develop and administer surveys regarding waiver support coordination services for the purposes of enhancing the quality, capacity, and consistency of such services. The university must survey the owners and operators of all [qualified organizations](#) (QO) in this state, [waiver support coordinators](#) (WSC) currently employed by a QO, and [iBudget](#) clients and their parents, caregivers, or legal guardians. The bill requires the state university, by October 1, 2026, to submit a final report to APD that includes a compilation and analysis of the survey results.

**STORAGE NAME:** h0565b.HCB

**DATE:** 2/16/2026

At a minimum, the surveys must solicit data and input on:

- The quality, consistency, and accessibility of services provided by WSCs;
- Attributes and behaviors that define high-quality support coordination;
- Best practices and areas for improvement;
- Quantitative and qualitative metrics to assess WSC performance; and
- Any other factors to improve service delivery.

The surveys of QOs must also specifically address:

- Professional and educational prerequisites required by the QO for employment as a WSC;
- Methods to assess core competencies;
- The efficacy of the required WSC [mentoring program](#); and
- Operational and systemic challenges of recruiting and retaining qualified WSCs.

The surveys of WSCs must also specifically address:

- Individual caseload ratios, capacity, and geographic service areas;
- The efficacy of the required WSC mentoring program; and
- Operational and systemic challenges of delivering effective support coordination.

The surveys of iBudget clients and their parents, caregivers, or legal guardians must also specifically address overall satisfaction with support coordination services.

The bill requires APD to hold at least one public hearing in each [geographic service area](#) to solicit input on enhancing waiver support coordinator services from relevant stakeholders. APD must also conduct or contract for a gap analysis to assess the geographic distribution and caseload capacity of WSCs across the state.

The bill requires APD, by February 15, 2027, to submit a report to the Governor, President of the Senate, and Speaker of the House of Representatives that:

- Identifies WSC core competencies and performance measures to assess such;
- Provides recommendations on how to standardize assessment of WSCs; and
- Includes the full, final survey report submitted to APD by the state university.

The bill is effective upon becoming a law.

## **FISCAL OR ECONOMIC IMPACT:**

### **STATE GOVERNMENT:**

The bill will have a significant, negative fiscal impact on APD to contract with a state university to administer the surveys, conduct public hearings in each region, and conduct or contract for a gap analysis.

APD indicates that the agency will need:

- Survey Development and Administration: \$500,000 to contract with a state university to develop and administer surveys regarding Waiver Support Coordination Services.
- Regional Public Meetings: \$25,080 for travel for agency staff and conference room rentals in six APD service regions.
- Gap Analysis: \$500,000 to contract for completion of a gap analysis and assistance with required report development.

- Implementation Staffing: \$216,847 for one FTE position and one OPS position to support implementation and required reporting.

This results in a fiscal impact of \$1,241,927.

Contingent upon the bill's passage, anticipated fiscal impacts incurred by APD as a result of implementing the bill may be addressed through the appropriations process or reflected in the Agency's Legislative Budget Request.

The bill will have no fiscal impact on the Agency for Health Care Administration (AHCA). Although AHCA administers the Care Provider Background Screening Clearinghouse, the anticipated increase in screenings is expected to be nominal and can be absorbed within existing resources.<sup>1</sup>

#### PRIVATE SECTOR:

The bill will have a significant, negative fiscal impact to residential facilities and adult day training programs who must conduct level 2 background screenings on all employees under the requirements of the bill. APD estimates the cost per background screen per employee ranges from \$44.00 to \$125.00, with the average cost estimated at \$87.00. Residential facility and ADT providers are responsible for covering the cost for each employee who submits to a background screening. The number of employees of residential facilities and adult day training programs who will be required to submit to a level 2 background screening is unknown because APD does not collect such data.<sup>2</sup>

## RELEVANT INFORMATION

### SUBJECT OVERVIEW:

#### [Agency for Persons with Disabilities](#)

The Agency for Persons with Disabilities (APD) was created to serve the needs of Floridians with developmental disabilities. APD works in partnership with local communities and private providers to assist people who have developmental disabilities and their families. APD serves more than 60,000 individuals with autism, cerebral palsy, spina bifida, intellectual disabilities, down syndrome, Prader-Willi syndrome, and Phelan-McDermid syndrome.<sup>3</sup>

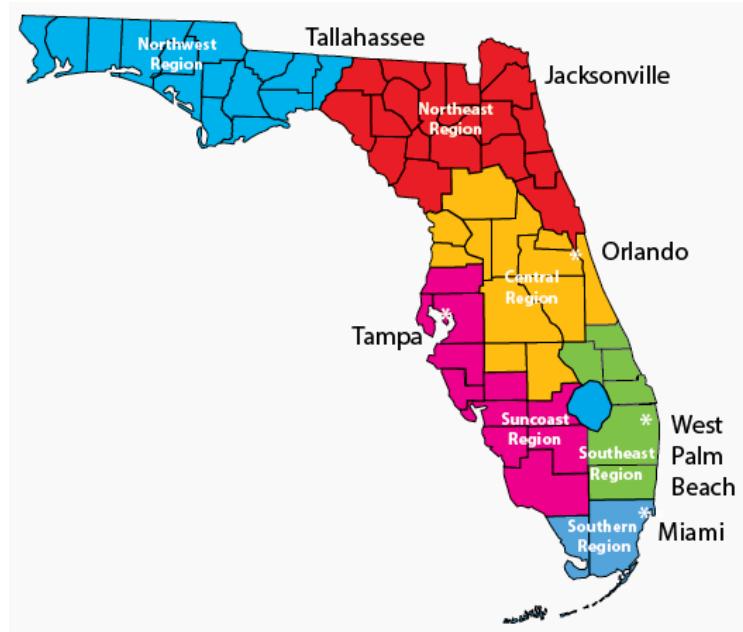
APD serves its clients through local offices within six [geographic service areas](#): the Northwest, Northeast, Central, Suncoast, Southeast, and Southern regions.<sup>4</sup>

<sup>1</sup> Florida Agency for Healthcare Administration, Email from Jim Browne, Deputy Chief of Staff of Legislative Affairs. Feb. 9, 2026, on file with the Health Care Budget Subcommittee.

<sup>2</sup> Agency for Persons with Disabilities, Agency Analysis of 2026 House Bill 565, p. 5 (Dec. 29, 2026).

<sup>3</sup> Agency for Persons with Disabilities, *About Us*, <https://apd.myflorida.com/about/> (last visited Jan. 30, 2026).

<sup>4</sup> Agency for Persons with Disabilities, *Local Offices*, <https://apd.myflorida.com/region/> (last visited Jan. 30, 2026).



## Residential Facilities

A residential facility is a facility that provides room and board and personal care for people who have developmental disabilities.<sup>5</sup> APD licenses several types of residential facilities, including:

- **Foster care facilities** which provide a family living environment including supervision and care necessary to meet the physical, emotional, and social needs of its residents;<sup>6</sup>
- **Group homes** which provide a family living environment including supervision and care necessary to meet the physical, emotional, and social needs of its residents;<sup>7</sup> and
- **Residential habilitation centers** which are community residential facilities that provide habilitation services that assist the recipient to acquire, maintain, or improve skills related to activities of daily living.<sup>8</sup>

As of February, 2026, there are 2,446 residential facilities licensed by APD.<sup>9</sup>

## Adult Day Training

Adult day training (ADT) services support iBudget clients in valued routines of the community, such as volunteering, job exploration, accessing community resources, and self-advocacy. ADT programs take place in a nonresidential setting, separate from the home or facility where a client resides.<sup>10</sup>

ADT services can include meaningful day activities and training in the activities of daily living, adaptive skills, and employment. The training, activities, and routine established by the trainer must be meaningful to the recipient

<sup>5</sup> [S. 393.063\(33\), F.S.](#)

<sup>6</sup> [S. 393.063\(18\), F.S.](#) The capacity of a foster care facility may not be more than three residents.

<sup>7</sup> [S. 393.063\(19\), F.S.](#) A group home must have at least 4 but not more than 15 residents.

<sup>8</sup> [S. 393.063\(35\), F.S.](#) and Agency for Persons with Disabilities, *Residential Services*, <https://apd.myflorida.com/providers/residential.htm> (last visited Jan. 30, 2026). Residential habilitation centers may not have less than nine residents.

<sup>9</sup> Email from Emily Reeves, Director of Legislative Affairs, Agency for Persons with Disabilities, Bill Analysis Request – HB 565, (Feb. 2, 2026).

<sup>10</sup> [S. 393.063\(1\), F.S.](#)

and provide an appropriate level of variation and interest. ADT services generally are offered for individuals age 22 and above, when a recipient is out of the public-school system.<sup>11</sup>

As of February, 2026, there are 320 ADT programs licensed by APD.<sup>12</sup>

### iBudget Waiver

APD administers the iBudget program which serves eligible<sup>13</sup> persons with developmental disabilities. Eligible diagnoses include disorders or syndromes attributable to intellectual disability, cerebral palsy, autism, spina bifida, Down syndrome, Phelan-McDermid syndrome, or Prader-Willi syndrome. The disorder must manifest before the age of 18, and it must constitute a substantial handicap that can reasonably be expected to continue indefinitely.<sup>14</sup>

The iBudget program allocates available funding to clients, providing each one with an established budget with the flexibility to choose from the authorized array of services that best meet their individual needs within their community.<sup>15</sup> Individual waiver support coordinators assist each client with determination of his or her unique needs and the coordination of necessary providers to provide those services. Because the iBudget waiver program covers a limited number of people (based on the amount appropriated by the Legislature each year), APD maintains a preenrollment list, or waitlist, of people who would like to enroll in the iBudget waiver.<sup>16</sup>

The iBudget program offers an array of social, medical, residential, and therapeutic services that can be authorized to meet individualized needs and goals. The program covers expenses relating to ADT and residential facility services, including residential nursing services which are prescribed by a physician and consist of continuous care provided by registered or licensed practical nurses to individuals in residential facilities, group homes, or foster homes.<sup>17</sup>

As of December 1, 2025, there are 36,521 iBudget waiver enrollees.<sup>18</sup>

### Waiver Support Coordination

All individuals enrolled on the iBudget waiver must receive waiver support coordination services.<sup>19</sup> Waiver support coordination is the service of advocating for the individual and identifying, developing, coordinating, and accessing supports and services on the individual's behalf, regardless of the funding source. Waiver support coordinators (WSCs) must use a person-centered approach to identify a client's goals and plan and implement supports and services to achieve those goals. This primarily involves working with an iBudget client to select appropriate support services and modify those selections as the needs of a client change over time.<sup>20</sup>

<sup>11</sup> Agency for Health Care Administration, Florida Medicaid Developmental Disabilities Individual Budgeting Waiver Services Coverage and Limitations Handbook (May 2023), available at <https://www.apd.myflorida.com/ibudget/docs/iBudget%20Handbook%20with%20ADT%20Redesign%20Final.pdf> (last visited Jan. 30, 2026).

<sup>12</sup> *Supra*, note 9.

<sup>13</sup> The HCBS waiver retain the Medicaid requirement that enrollees be low-income, but measures only the developmentally disabled person's income; not the income generated by the whole household.

<sup>14</sup> S. [393.063\(11\), F.S.](#)

<sup>15</sup> *Id.*

<sup>16</sup> As of December 19, 2025, there were 17,433 individuals on the preenrollment list to receive services. See Agency for Persons with Disabilities, *Pre-Enrollment numbers by Priority Category and County, As of 12/19/2025*, available at <https://apd.myflorida.com/publications/reports/docs/Preenrollment%20Website%20Reporting%2020251219.pdf> (last visited Jan. 30, 2026).

<sup>17</sup> Agency for Persons with Disabilities, *iBudget Florida Services*, available at <https://apd.myflorida.com/medicaid/ibudget/ibudgetservices.htm> (last visited Jan. 30, 2026).

<sup>18</sup> Agency for Persons with Disabilities, *Home and Community Based Services (HCBS) Waiver Monthly Report for Waiver Enrollment Offers FY 2025-26* (December 2025), available at: <https://apd.myflorida.com/resources/reports/APD%20Enrollment%20Report%202025-12-30%20FINAL.pdf> (last visited Jan. 30, 2026).

<sup>19</sup> Agency for Persons with Disabilities, *Overview of Waiver Support Coordination (July 1, 2022)*, available at [Overview of WSC.SupplementalResources.pdf](https://apd.myflorida.com/medicaid/ibudget/ibudgetservices.htm) (last visited Jan. 30, 2026).

<sup>20</sup> *Supra*, note 11 at p. 2-79.

WSCs may serve iBudget clients as employees of a [qualified organization](#) (QO). In order to be qualified, an organization must:<sup>21</sup>

- Employ at least 4 WSCs;
- Maintain a code of ethics and a disciplinary process that apply to all WSCs;
- Comply with APD cost-containment initiatives;
- Require WSCs to ensure that client budgets are linked to need;
- Require WSCs to perform all duties and meet all standards outlined in the waiver coverage handbook;
- Prohibit outside employment of WSCs if such employment limits availability of a WSC to waiver clients;
- Educate clients and their families about neglect, abuse, and exploitation;
- Instruct clients and their families about mandatory reporting requirements for neglect, abuse, and exploitation;
- Submit within set timeframes all documentation for SANs requests;
- Require WSCs to complete training and professional development approved by APD;
- Require WSCs to complete a competency-based exam approved by APD; and,
- Implement a mentoring program approved by APD for WSCs with less than 12 months of direct experience.

All WSCs must pass a level-two background screening and complete a Medicaid provider enrollment application. At a minimum, a WSC must also complete:<sup>22</sup>

- A bachelor's degree from an accredited college or university, and,
- Two years of paid, supervised experience in developmental disabilities, special education, mental health, counseling, guidance, social work, or health and rehabilitative services. A master's degree in a related field can substitute for one year of the required experience.

#### [Waiver Support Coordinator Mentoring Program](#)

WSCs with less than 12 months of direct experience must complete a mentoring program approved by APD.<sup>23</sup> APD has developed a template for the required mentoring program, but QOs are not required to use the APD template and may develop their own requirements for the mentoring program.<sup>24</sup> Thus, there are no standardized requirements to successfully complete the statutorily required WSC mentoring program in this state.

Under the APD template, mentees must successfully complete certain tasks either in a 30-day period for WSCs with prior experience or in a 90-day period for WSCs with no experience prior to providing services to clients. The required tasks include:<sup>25</sup>

- Participate in a minimum of five support plan meetings;
- Participate in a minimum of nine face-to-face visits in a variety of settings, including meetings with clients in the family home, a supported living home, and licensed facilities, at least six of which must detail the coordination of providers' supports;
- Participate in all Regional Office and State Office meetings that occur while they are actively completing their Mentoring Program;

<sup>21</sup> [S. 393.063\(2\), F.S.](#)

<sup>22</sup> *Supra*, note 11 at p. 1-24.

<sup>23</sup> S. 393.0663(2)(b)12, F.S.

<sup>24</sup> Agency for Persons with Disabilities, *Support Coordination*, <https://apd.myflorida.com/providersupports/supportcoordination.htm> (last visited Jan. 30, 2026).

<sup>25</sup> Agency for Persons with Disabilities, *Qualified Organization Mentoring Program Template*, available at

<https://apd.myflorida.com/waiver/support-coordination/qo/docs/Qualified%20Organization%20Mentoring%20Program%20Template.pdf> (last visited Jan. 30, 2026).

- Participate in discussions with clients and families involving educating them on identifying and preventing abuse, neglect, and exploitation;
- Participate in discussions with clients and families involving instructions on mandatory reporting requirements for abuse, neglect, and exploitation;
- Complete or observe the mentor complete a variety of case management activities; and
- Participate in a minimum of one Supported Living Quarterly Meeting.

As of February, 2026, there are 1,253 WSCs and 147 QOs in this state.<sup>26</sup>

### Criminal Background Screening

Under current law, direct service providers,<sup>27</sup> including volunteers,<sup>28</sup> who work with APD clients are subject to criminal background screening, pursuant to ch. 435, F.S., and licensure or employment disqualification for certain past criminal offenses.<sup>29</sup> Managers and supervisors of residential facilities or adult day training programs licensed by APD are types of direct service providers who must undergo a level 2 background screening. All other employees of a residential facility or an adult day training program are not required to be background screened as a condition of employment.

Chapter 435, F.S., establishes procedures and requirements for criminal history background screening. There are two levels of background screening: Level 1 and Level 2.

- Level 1: Screening includes, at a minimum, employment history checks and statewide criminal correspondence checks through the Florida Department of Law Enforcement (FDLE) and a check of the Dru Sjodin National Sex Offender Public Website,<sup>30</sup> and may include criminal records checks through local law enforcement agencies.<sup>31</sup>
- Level 2: Screening includes, at a minimum, fingerprinting for statewide criminal history records checks through FDLE and national criminal history checks through the Federal Bureau of Investigation (FBI), and may include local criminal records checks through local law enforcement agencies.<sup>32</sup>

Every person required by law to be screened pursuant to ch. 435, F.S., must submit complete information necessary to conduct a screening to his or her employer.<sup>33</sup> The person whose background is being checked must supply any missing criminal or other necessary information upon request to the requesting employer or agency within 30 days after receiving the request for the information.<sup>34</sup>

### Disqualifying Offenses

Individuals subject to background screening are disqualified from certain employment and licensure if they have been arrested for and are awaiting final disposition of, been found guilty of regardless of adjudication, entered a

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<sup>26</sup> *Supra*, note 7.

<sup>27</sup> A direct service provider is a person 18 years of age or older who has direct face-to-face contact with a client while providing services to the client or has access to a client's living areas or to a client's funds or personal property. See [s. 393.063\(12\), F.S.](#)

<sup>28</sup> S. 393.0655, F.S. requires a level 2 screening pursuant to ch. 435, F.S., for volunteers who provide care or services, access to a client's living areas, or access to a client's funds or personal property. Volunteers who assist for less than 10 hours per month are not required to submit to a level 2 screening as long as a person who meets the screening requirements of s. 393.0665, F.S., is always present and has the volunteer within his or her line of sight.

<sup>29</sup> [S. 393.0655, F.S.](#)

<sup>30</sup> The Dru Sjodin National Sex Offender Public Website is a U.S. government website that links public state, territorial, and tribal sex offender registries in one national search site, [www.nsopw.gov](http://www.nsopw.gov) (last visited Jan. 30, 2026).

<sup>31</sup> Florida Department of Law Enforcement, *State of Florida Criminal History Records Check*, <http://www.fdle.state.fl.us/Criminal-History-Records/Florida-Checks.aspx> (last visited Jan. 30, 2026).

<sup>32</sup> S. [435.04, F.S.](#)

<sup>33</sup> [S. 435.05\(1\)\(a\), F.S.](#)

<sup>34</sup> [S. 435.05\(1\)\(d\), F.S.](#)

plea of nolo contendere or guilty to, or been adjudicated delinquent and the record has not been sealed or expunged for, any of the following offenses, or similar offenses in another jurisdiction:<sup>35</sup>

- Section [39.205, F.S.](#), relating to the failure to report child abuse, abandonment, or neglect.
- Section [393.135, F.S.](#), relating to sexual misconduct with certain developmentally disabled clients and reporting of such sexual misconduct.
- Section [394.4593, F.S.](#), relating to sexual misconduct with certain mental health patients and reporting of such sexual misconduct.
- Section [414.39, F.S.](#), relating to fraud, if the offense was a felony.
- Section [415.111, F.S.](#), relating to adult abuse, neglect, or exploitation of aged persons or disabled adults.
- Section [777.04, F.S.](#), relating to attempts, solicitation, and conspiracy to commit an offense in this subsection.
- Section [782.04, F.S.](#), relating to murder.
- Section [782.07, F.S.](#), relating to manslaughter, aggravated manslaughter of an elderly person or disabled adult, or aggravated manslaughter of a child.
- Section [782.071, F.S.](#), relating to vehicular homicide.
- Section [782.09, F.S.](#), relating to killing of an unborn child by injury to the mother.
- Chapter [784, F.S.](#), relating to assault, battery, and culpable negligence, if the offense was a felony.
- Section [784.011, F.S.](#), relating to assault, if the victim of the offense was a minor.
- Section [784.021, F.S.](#), relating to aggravated assault.
- Section [784.03, F.S.](#), relating to battery, if the victim of the offense was a minor.
- Section [784.045, F.S.](#), relating to aggravated battery.
- Section [784.075, F.S.](#), relating to battery on staff of a detention or commitment facility or on a juvenile probation officer.
- Section [787.01, F.S.](#), relating to kidnapping.
- Section [787.02, F.S.](#), relating to false imprisonment.
- Section [787.025, F.S.](#), relating to luring or enticing a child.
- Section [787.04\(2\), F.S.](#), relating to taking, enticing, or removing a child beyond the state limits with criminal intent pending custody proceedings.
- Section [787.04\(3\), F.S.](#), relating to carrying a child beyond the state lines with criminal intent to avoid producing a child at a custody hearing or delivering the child to the designated person.
- Section [787.06, F.S.](#), relating to human trafficking.
- Section [787.07, F.S.](#), relating to human smuggling.
- Section [790.115\(1\), F.S.](#), relating to exhibiting firearms or weapons within 1,000 feet of a school.
- Section [790.115\(2\)\(b\), F.S.](#), relating to possessing an electric weapon or device, destructive device, or other weapon on school property.
- Section [794.011, F.S.](#), relating to sexual battery.
- Former [s. 794.041, F.S.](#), relating to prohibited acts of persons in familial or custodial authority.
- Section [794.05, F.S.](#), relating to unlawful sexual activity with certain minors.
- Section [794.08, F.S.](#), relating to female genital mutilation.
- Chapter [796, F.S.](#), relating to prostitution.
- Section [798.02, F.S.](#), relating to lewd and lascivious behavior.
- Chapter [800, F.S.](#), relating to lewdness and indecent exposure.
- Section [806.01, F.S.](#), relating to arson.
- Section [810.02, F.S.](#), relating to burglary.
- Section [810.14, F.S.](#), relating to voyeurism, if the offense is a felony.
- Section [810.145, F.S.](#), relating to video voyeurism, if the offense is a felony.
- Chapter [812, F.S.](#), relating to theft, robbery, and related crimes, if the offense is a felony.
- Section [817.563, F.S.](#), relating to fraudulent sale of controlled substances, only if the offense was a felony.

<sup>35</sup> S. [435.04\(2\), F.S.](#)

- Section [825.102, F.S.](#), relating to abuse, aggravated abuse, or neglect of an elderly person or disabled adult.
- Section [825.1025, F.S.](#), relating to lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled adult.
- Section [825.103, F.S.](#), relating to exploitation of an elderly person or disabled adult, if a felony.
- Section [826.04, F.S.](#), relating to incest.
- Section [827.03, F.S.](#), relating to child abuse, aggravated child abuse, or neglect of a child.
- Section [827.04, F.S.](#), relating to contributing to the delinquency or dependency of a child.
- Former [s. 827.05, F.S.](#), relating to negligent treatment of children.
- Section [827.071, F.S.](#), relating to sexual performance by a child.
- Section [831.311, F.S.](#), relating to the unlawful sale, manufacture, alteration, delivery, uttering, or possession of counterfeit-resistant prescription blanks for controlled substances.
- Section [836.10, F.S.](#), relating to written or electronic threats to kill, do bodily injury, or conduct a mass shooting or an act of terrorism.
- Section [843.01, F.S.](#), relating to resisting arrest with violence.
- Section [843.025, F.S.](#), relating to depriving a law enforcement, correctional, or correctional probation officer of means of protection or communication.
- Section [843.12, F.S.](#), relating to aiding in an escape.
- Section [843.13, F.S.](#), relating to aiding in the escape of juvenile inmates in correctional institutions.
- Chapter [847, F.S.](#), relating to obscene literature.
- Section [859.01, F.S.](#), relating to poisoning food or water.
- Section [873.01, F.S.](#), relating to the prohibition on the purchase or sale of human organs and tissue.
- Section [874.05, F.S.](#), relating to encouraging or recruiting another to join a criminal gang.
- Chapter [893, F.S.](#), relating to drug abuse prevention and control, only if the offense was a felony or if any other person involved in the offense was a minor.
- Section [916.1075, F.S.](#), relating to sexual misconduct with certain forensic clients and reporting.
- Section [944.35\(3\), F.S.](#), relating to inflicting cruel or inhuman treatment on an inmate resulting in great bodily harm.
- Section [944.40, F.S.](#), relating to escape.
- Section [944.46, F.S.](#), relating to harboring, concealing, or aiding an escaped prisoner.
- Section [944.47, F.S.](#), relating to introduction of contraband into a correctional facility.
- Section [985.701, F.S.](#), relating to sexual misconduct in juvenile justice programs.
- Section [985.711, F.S.](#), relating to contraband introduced into detention facilities.

Any history of a listed offense is considered disqualifying regardless of when the offense was committed.

### Disqualification Exemptions

For individuals who are disqualified from employment due to their criminal history, current law includes an exemption process. An exemption allows that individual to be employed in a profession or workplace where background screening is statutorily required despite the disqualifying offense in that person's past if that person meets certain criteria. The individual must demonstrate by clear and convincing evidence that they have been rehabilitated, will not present a danger, and should not be disqualified from employment.<sup>36</sup> The agency head may grant the exemption from disqualification if all court ordered fees, fines, liens, applications, costs of prosecution, trusts, or restitution have been paid, and either:<sup>37</sup>

- Two years have elapsed since the individual has completed or been lawfully released from confinement supervision, or nonmonetary condition imposed by a court for a disqualifying felony; or

<sup>36</sup> S. [435.07, F.S.](#)

<sup>37</sup> *Id.*

- The individual has completed or been lawfully released from confinement, supervision, or nonmonetary condition imposed by a court for a misdemeanor or an offense that was a felony at the time of commission but is now a misdemeanor.

Receiving an exemption allows that individual to work despite the disqualifying crime in that person's past. However, an individual who is considered a sexual predator,<sup>38</sup> career offender,<sup>39</sup> or a registered sexual offender<sup>40</sup> is not eligible for exemption.<sup>41</sup>

#### Care Provider Background Screening Clearinghouse

The Care Provider Background Screening Clearinghouse (Clearinghouse) is a single statewide screening program, administered by the Agency for Health Care Administration (AHCA), in consultation with the Florida Department of Law Enforcement (FDLE), which allows for results of criminal history checks of persons acting as covered care providers to be shared among specified agencies.<sup>42</sup> The Clearinghouse allows for constant review of new criminal history information through the federal Rap Back Service,<sup>43</sup> which continually matches fingerprints retained in the Clearinghouse against fingerprints received for new arrests that occur after the individual was originally screened.<sup>44</sup> Once a person's screening record is in the Clearinghouse, that person may avoid the need for any future state screens and related fees for screenings, depending on the screening agencies or organizations.<sup>45</sup>

The Clearinghouse is authorized to share background screening results with specified agencies and qualified entities that are conducting state and national criminal history background screening on persons who work with children or persons who are elderly or disabled. The specified agencies currently outlined in law include:<sup>46</sup>

- AHCA;
- Department of Health;
- Department of Children and Families;
- Department of Elderly Affairs;
- Department of Juvenile Justice;
- Agency for Persons with Disabilities;
- Department of Education, and related entities including district units, special district units, the Florida School for the Deaf and Blind, the Florida Virtual School, virtual instruction programs, charter schools, hope operators, private schools participating in certain scholarship programs, and alternative schools;
- Regional workforce development boards; and
- Local licensing agencies responsible for licensing child care provider.

The Clearinghouse may share results of criminal history checks with other entities participating in the Clearinghouse, referred to as qualified entities. These are businesses or organizations which provide care or care placement services for children or vulnerable adults, including individuals with disabilities.<sup>47</sup> A qualified entity

<sup>38</sup> S. [775.21, F.S.](#)

<sup>39</sup> S. [775.261, F.S.](#)

<sup>40</sup> S. [943.0435, F.S.](#)

<sup>41</sup> S. [435.07\(4\)\(b\), F.S.](#)

<sup>42</sup> S. [435.12, F.S.](#)

<sup>43</sup> The Rap Back Service is managed by the FBI's Criminal Justice Information Services Division. For more information, see the Federal Bureau of Investigation, Privacy Impact Assessment for the Next Generation Identification (NGI) Rap Back Service. Available at <https://www.fbi.gov/file-repository/pia-ngi-rap-back-service.pdf/view> (last visited Jan. 30, 2026).

<sup>44</sup> S. [435.12\(2\), F.S.](#)

<sup>45</sup> Agency for Health Care Administration, *Clearinghouse Renewals*. available at <https://ahca.myflorida.com/MCHO/Central%20Services/Background%20Screening/Renewals.shtml> (last visited Jan. 30, 2026). Fingerprints are retained for five years. Employers have an option to renew screenings at the end of the five-year period through a "Clearinghouse Renewal" process which allows employee's fingerprints to be retained without being re-fingerprinted.

<sup>46</sup> S. [435.02, F.S.](#)

<sup>47</sup> S. [943.0542\(1\)\(a\)](#) and (b), F.S.

participating in the Clearinghouse must register and maintain the employment or affiliation status of all persons included in the Clearinghouse.<sup>48</sup>

## BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
<a href="#">Human Services Subcommittee</a>	17 Y, 0 N, As CS	2/4/2026	Mitz	Morris
THE CHANGES ADOPTED BY THE COMMITTEE:				
<a href="#">Health Care Budget Subcommittee</a>	13 Y, 0 N	2/16/2026	Clark	Smith
<a href="#">Health &amp; Human Services Committee</a>				

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**THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.**  
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<sup>48</sup> [S. 435.12\(2\), F.S.](#)