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A bill to be entitled
An act relating to background screenings; amending s. 435.04, F.S.; specifying additional disqualifying offenses under the background screening requirements for certain persons; amending s. 435.12, F.S.; requiring the Agency for Health Care Administration, beginning on a specified date or as soon as practicable thereafter, to review and determine eligibility for all criminal history checks submitted to the Care Provider Background Screening Clearinghouse by specified agencies; requiring the clearinghouse to share eligibility determinations with specified agencies; requiring specified agencies and qualified entities to process exemptions from disqualification pursuant to a specified provision; requiring the implementation of a specified provision of the act by a specified date, or as soon as practicable thereafter as determined by the agency; amending s. 943.0438, F.S.; making a technical change; providing that, beginning on a specified date, an independent sanctioning authority is considered a qualified entity for the purpose of participating in the clearinghouse; authorizing a person who has not undergone certain background screening to act as an athletic coach if he or she is under the direct

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supervision of an athletic coach who meets certain background screening requirements; reenacting and amending s. 943.0542, F.S.; requiring qualified entities conducting background criminal history checks to designate a user administrator for a specified purpose; authorizing such qualified entities to designate additional authorized users with certain delegated authority; authorizing the clearinghouse, beginning on a specified date, to provide national criminal history record information to qualified entities, rather than only under certain circumstances; amending ss. 44.407 and 501.9741, F.S.; conforming cross-references; reenacting ss. 397.487(6) and (8)(d), 397.4871(5) and (6)(b), 409.913(13), 435.03(2), 1012.22(1)(j), 1012.315(1), 1012.797, and 1012.799(2), F.S., relating to voluntary certification of recovery residences; recovery residence administrator certification; oversight of the integrity of the Medicaid program; level 1 screening standards; public school personnel and powers and duties of the district school board; screening standards; notification of certain charges against employees; and reporting and self-reporting certain offenses, respectively, to incorporate the amendment made to s. 435.04, F.S., in references thereto;

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51 providing an effective date.

52

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

54

55 **Section 1. Subsections (2) and (3) of section 435.04, Florida Statutes, are amended to read:**

56 435.04 Level 2 screening standards.—

57 (2) The security background investigations under this section must ensure that persons subject to this section have not been arrested for and are awaiting final disposition of; have not been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to; or have not been adjudicated delinquent and the record has not been sealed or expunged for, any offense prohibited under any of the following provisions of state law or similar law of another jurisdiction:

58 (a) Section 39.205, relating to the failure to report child abuse, abandonment, or neglect.

59 (b) Section 316.193(3)(c)3., relating to DUI manslaughter.

60 (c) Section 393.135, relating to sexual misconduct with certain developmentally disabled clients and reporting of such sexual misconduct.

61 (d) ~~(e)~~ Section 394.4593, relating to sexual misconduct with certain mental health patients and reporting of such sexual misconduct.

62 (e) ~~(d)~~ Section 414.39, relating to fraud, if the offense

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76 was a felony.

77 (f)-(e) Section 415.111, relating to adult abuse, neglect,
78 or exploitation of aged persons or disabled adults.

79 (g) Section 741.28, relating to domestic violence.

80 (h)-(f) Section 777.04, relating to attempts, solicitation,
81 and conspiracy to commit an offense listed in this subsection.

82 (i)-(g) Section 782.04, relating to murder.

83 (j)-(h) Section 782.07, relating to manslaughter,
84 aggravated manslaughter of an elderly person or disabled adult,
85 or aggravated manslaughter of a child.

86 (k)-(i) Section 782.071, relating to vehicular homicide.

87 (l)-(j) Section 782.09, relating to killing of an unborn
88 child by injury to the mother.

89 (m)-(k) Chapter 784, relating to assault, battery, and
90 culpable negligence, if the offense was a felony.

91 (n)-(l) Section 784.011, relating to assault, if the victim
92 of the offense was a minor.

93 (o)-(m) Section 784.021, relating to aggravated assault.

94 (p)-(n) Section 784.03, relating to battery, if the victim
95 of the offense was a minor.

96 (q)-(o) Section 784.045, relating to aggravated battery.

97 (r)-(p) Section 784.075, relating to battery on staff of a
98 detention or commitment facility or on a juvenile probation
99 officer.

100 (s)-(q) Section 787.01, relating to kidnapping.

101 (t)~~(r)~~ Section 787.02, relating to false imprisonment.
102 (u)~~(s)~~ Section 787.025, relating to luring or enticing a
103 child.
104 (v)~~(t)~~ Section 787.04(2), relating to taking, enticing, or
105 removing a child beyond the state limits with criminal intent
106 pending custody proceedings.
107 (w)~~(u)~~ Section 787.04(3), relating to carrying a child
108 beyond the state lines with criminal intent to avoid producing a
109 child at a custody hearing or delivering the child to the
110 designated person.
111 (x)~~(v)~~ Section 787.06, relating to human trafficking.
112 (y)~~(w)~~ Section 787.07, relating to human smuggling.
113 (z)~~(x)~~ Section 790.115(1), relating to exhibiting firearms
114 or weapons within 1,000 feet of a school.
115 (aa)~~(y)~~ Section 790.115(2)(b), relating to possessing an
116 electric weapon or device, destructive device, or other weapon
117 on school property.
118 (bb)~~(z)~~ Section 794.011, relating to sexual battery.
119 (cc)~~(aa)~~ Former s. 794.041, relating to prohibited acts of
120 persons in familial or custodial authority.
121 (dd)~~(bb)~~ Section 794.05, relating to unlawful sexual
122 activity with certain minors.
123 (ee)~~(ee)~~ Section 794.08, relating to female genital
124 mutilation.
125 (ff)~~(dd)~~ Chapter 796, relating to prostitution.

126 (gg) ~~(ee)~~ Section 798.02, relating to lewd and lascivious
127 behavior.

128 (hh) ~~(ff)~~ Chapter 800, relating to lewdness and indecent
129 exposure and offenses against students by authority figures.

130 (ii) ~~(gg)~~ Section 806.01, relating to arson.

131 (jj) ~~(hh)~~ Section 810.02, relating to burglary.

132 (kk) ~~(ii)~~ Section 810.14, relating to voyeurism, if the
133 offense is a felony.

134 (ll) ~~(jj)~~ Section 810.145, relating to digital voyeurism,
135 if the offense is a felony.

136 (mm) ~~(kk)~~ Chapter 812, relating to theft, robbery, and
137 related crimes, if the offense is a felony.

138 (nn) Section 815.04, relating to offenses against
139 intellectual property.

140 (oo) Section 815.06, relating to offenses against users of
141 computers, computer systems, computer networks, and electronic
142 devices.

143 (pp) ~~(ll)~~ Section 817.563, relating to fraudulent sale of
144 controlled substances, only if the offense was a felony.

145 (qq) ~~(mm)~~ Section 825.102, relating to abuse, aggravated
146 abuse, or neglect of an elderly person or disabled adult.

147 (rr) ~~(nn)~~ Section 825.1025, relating to lewd or lascivious
148 offenses committed upon or in the presence of an elderly person
149 or disabled adult.

150 (ss) ~~(ee)~~ Section 825.103, relating to exploitation of an

151 elderly person or disabled adult, if the offense was a felony.

152 (tt)(pp) Section 826.04, relating to incest.

153 (uu)(qq) Section 827.03, relating to child abuse,

154 aggravated child abuse, or neglect of a child.

155 (vv)(rr) Section 827.04, relating to contributing to the

156 delinquency or dependency of a child.

157 (ww)(ss) Former s. 827.05, relating to negligent treatment

158 of children.

159 (xx)(tt) Section 827.071, relating to sexual performance

160 by a child.

161 (yy) Chapter 828, relating to animal cruelty.

162 (zz) Section 831.29, relating to making or having

163 instruments and material for counterfeiting driver licenses or

164 identification cards.

165 (aaa)(uu) Section 831.311, relating to the unlawful sale,

166 manufacture, alteration, delivery, uttering, or possession of

167 counterfeit-resistant prescription blanks for controlled

168 substances.

169 (bbb) Section 836.05, relating to threats and extortion.

170 (ccc)(vv) Section 836.10, relating to written or

171 electronic threats to kill, do bodily injury, or conduct a mass

172 shooting or an act of terrorism.

173 (ddd) Section 838.015, relating to bribery.

174 (eee)(ww) Section 843.01, relating to resisting arrest

175 with violence.

176 (fff) ~~(xx)~~ Section 843.025, relating to depriving a law
177 enforcement, correctional, or correctional probation officer
178 means of protection or communication.

179 (ggg) ~~(yy)~~ Section 843.12, relating to aiding in an escape.

180 (hhh) ~~(zz)~~ Section 843.13, relating to aiding in the escape
181 of juvenile inmates in correctional institutions.

182 (iii) ~~(aaa)~~ Chapter 847, relating to obscene literature.

183 (jjj) ~~(bbb)~~ Section 859.01, relating to poisoning food or
184 water.

185 (kkk) ~~(eee)~~ Section 873.01, relating to the prohibition on
186 the purchase or sale of human organs and tissue.

187 (lll) ~~(ddd)~~ Section 874.05, relating to encouraging or
188 recruiting another to join a criminal gang.

189 (mmm) ~~(eee)~~ Chapter 893, relating to drug abuse prevention
190 and control, only if the offense was a felony or if any other
191 person involved in the offense was a minor.

192 (nnn) ~~(fff)~~ Section 916.1075, relating to sexual misconduct
193 with certain forensic clients and reporting of such sexual
194 misconduct.

195 (ooo) ~~(ggg)~~ Section 944.35(3), relating to inflicting cruel
196 or inhuman treatment on an inmate resulting in great bodily
197 harm.

198 (ppp) ~~(hhh)~~ Section 944.40, relating to escape.

199 (qqq) ~~(iii)~~ Section 944.46, relating to harboring,
200 concealing, or aiding an escaped prisoner.

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201 (rrr)-(jjj) Section 944.47, relating to introduction of
202 contraband into a correctional facility.

203 (sss) Section 951.22, relating to contraband articles in
204 county detention facilities.

205 (ttt)-(kkk) Section 985.701, relating to sexual misconduct
206 in juvenile justice programs.

207 (uuu)-(lll) Section 985.711, relating to contraband
208 introduced into detention facilities.

209 ~~(3) The security background investigations under this~~
210 ~~section must ensure that no person subject to this section has~~
211 ~~been arrested for and is awaiting final disposition of, been~~
212 ~~found guilty of, regardless of adjudication, or entered a plea~~
213 ~~of nolo contendere or guilty to, any offense that constitutes~~
214 ~~domestic violence as defined in s. 741.28, whether such act was~~
215 ~~committed in this state or in another jurisdiction.~~

216 **Section 2. Subsection (1) of section 435.12, Florida**
217 **Statutes, is amended to read:**

218 435.12 Care Provider Background Screening Clearinghouse.—

219 (1) The Agency for Health Care Administration in
220 consultation with the Department of Law Enforcement shall create
221 a secure web-based system, which shall be known as the "Care
222 Provider Background Screening Clearinghouse" or "clearinghouse."
223 The clearinghouse must allow the results of criminal history
224 checks provided to the specified agencies and, beginning January
225 1, 2026, or a later date as determined by the Agency for Health

226 Care Administration, to qualified entities participating in the
227 clearinghouse for screening of persons qualified as care
228 providers under s. 943.0542 to be shared among the specified
229 agencies and qualified entities when a person has applied to
230 volunteer, be employed, be licensed, enter into a contract, or
231 has an affiliation that allows or requires a state and national
232 fingerprint-based criminal history check. Beginning January 1,
233 2025, or a later date as determined by the Agency for Health
234 Care Administration, the Agency for Health Care Administration
235 shall review and determine eligibility for all criminal history
236 checks submitted to the clearinghouse for the Department of
237 Education. The clearinghouse shall share eligibility
238 determinations with the Department of Education and the
239 qualified entities. Beginning July 1, 2028, or as soon as
240 practicable thereafter as determined by the Agency for Health
241 Care Administration, the Agency for Health Care Administration
242 shall review and determine eligibility for all criminal history
243 checks submitted to the clearinghouse by specified agencies as
244 defined in s. 435.02. The clearinghouse shall share eligibility
245 determinations with the specified agencies. Each specified
246 agency and qualified entity is responsible for processing
247 exemptions from disqualification pursuant to s. 435.07. The
248 Agency for Health Care Administration and the Department of Law
249 Enforcement may adopt rules to create forms or implement
250 procedures needed to carry out this section.

251 **Section 3. The amendments made by this act to s.**

252 435.12(1), Florida Statutes, must be implemented by July 1,
253 2028, or as soon as practicable thereafter as determined by the
254 Agency for Health Care Administration.

255 **Section 4. Paragraph (a) of subsection (1) and paragraphs**
256 **(a), (b), and (d) of subsection (2) of section 943.0438, Florida**
257 **Statutes, are amended, and subsection (5) is added to that**
258 **section, to read:**

259 943.0438 Athletic coaches for independent sanctioning
260 authorities.—

261 (1) As used in this section, the term:

262 (a) "Athletic coach" means a person who:

263 1. Is authorized by an independent sanctioning authority
264 to work as a coach, an assistant coach, a manager, or a referee,
265 whether for compensation or as a volunteer, for a youth athletic
266 team based in this state; and

267 2. Has direct contact with one or more minors on the youth
268 athletic team.

269 (2) An independent sanctioning authority shall:

270 (a) Effective July 1, 2026:^r

271 1. Conduct a level 2 background screening under s. 435.04
272 of each current and prospective athletic coach. The authority
273 may not delegate this responsibility to an individual team and
274 may not authorize any person to act as an athletic coach unless
275 a level 2 background screening is conducted and does not result

276 in disqualification under subparagraph 3 paragraph (b).

277 2. (b)1. Be considered a Before January 1, 2026, or a later
278 date as determined by the Agency for Health Care Administration
279 for the participation of qualified entity for purposes of
280 participating entities in the Care Provider Background Screening
281 Clearinghouse under s. 435.12, disqualify any person from acting
282 as an athletic coach as provided in s. 435.04. The authority may
283 allow a person disqualified under this subparagraph to act as an
284 athletic coach if it determines that the person meets the
285 requirements for an exemption from disqualification under s.
286 435.07.

287 3.2. On or after January 1, 2026, or a later date as
288 determined by the Agency for Health Care Administration, Not
289 allow a any person to act as an athletic coach if he or she does
290 not pass the background screening qualifications in s. 435.04.
291 The authority may allow a person disqualified under this
292 subparagraph to act as an athletic coach if the person has
293 successfully completed the exemption from the disqualification
294 process under s. 435.07.

295 (c) (d) Maintain for at least 5 years documentation of:

296 1. The results for each person screened under subparagraph
297 (a)1. paragraph (a); and
298 2. The written notice of disqualification provided to each
299 person under paragraph (b) (e).

300 (5) Notwithstanding paragraph (2) (a), a person who has not

301 undergone background screening pursuant to this section may act
302 as an athletic coach if he or she is under the direct
303 supervision of an athletic coach who meets the background
304 screening requirements of this section.

305 **Section 5. Paragraph (a) of subsection (2) and subsection**
306 **(4) of section 943.0542, Florida Statutes, are amended, and**
307 **subsection (5) of that section is reenacted, to read:**

308 943.0542 Access to criminal history information provided
309 by the department to qualified entities.—

310 (2) (a) A qualified entity conducting background criminal
311 history checks under this section must:

312 1. Register with the department before submitting a
313 request for screening under this section. Each such request must
314 be voluntary and conform to the requirements established in the
315 National Child Protection Act of 1993, as amended. As a part of
316 the registration, the qualified entity must agree to comply with
317 state and federal law and must so indicate by signing an
318 agreement approved by the department. The qualified entity shall
319 designate a user administrator to act as the primary point of
320 contact and to manage compliance with state and federal laws
321 regarding the security and privacy of criminal history
322 information. The qualified entity may designate additional
323 authorized users with delegated authority to manage or access
324 the system for the purpose of requesting and reviewing
325 background screening information pursuant to this section. The

326 department shall periodically audit qualified entities to ensure
327 compliance with federal law and this section.

328 2. Before January 1, 2026, or a later date as determined
329 by the Agency for Health Care Administration, submit to the
330 department, and effective January 1, 2026, or a later date as
331 determined by the Agency for Health Care Administration, submit
332 to the agency a request for screening an employee or volunteer
333 or person applying to be an employee or volunteer by submitting
334 fingerprints, or the request may be submitted electronically.
335 The qualified entity must maintain a signed waiver allowing the
336 release of the state and national criminal history record
337 information to the qualified entity.

338 (4) The national criminal history data is available to
339 qualified entities to use only for the purpose of screening
340 employees and volunteers or persons applying to be an employee
341 or volunteer with a qualified entity. Through December 31, 2026,
342 or a later date as determined by the Agency for Health Care
343 Administration, the department shall provide this national
344 criminal history record information directly to the qualified
345 entity as authorized by the written waiver required for
346 submission of a request. Effective January 1, 2026, or a later
347 date as determined by the Agency for Health Care Administration,
348 the Care Provider Background Screening Clearinghouse may provide
349 such record information to the qualified entity ~~only if the~~
350 ~~person requests an exemption from the qualified entity under s.~~

351 ~~435.07.~~

352 (5) The entity making the determination regarding
353 screening shall apply the criteria under s. 435.04(2) to the
354 state and national criminal history record information received
355 from the department for those persons subject to screening. The
356 determination whether the criminal history record shows that the
357 employee or volunteer has not been arrested for and is awaiting
358 final disposition of, regardless of adjudication, or entered a
359 plea of nolo contendere or guilty to, or has been adjudicated
360 delinquent and the record has not been sealed or expunged for,
361 any offense listed under s. 435.02(2) shall be made by the
362 qualified entity through December 31, 2025, or a later date as
363 determined by the Agency for Health Care Administration.
364 Beginning January 1, 2026, or a later date as determined by the
365 Agency for Health Care Administration, the Agency for Health
366 Care Administration shall determine the eligibility of the
367 employee or volunteer of a qualified entity. This section does
368 not require the department to make such a determination on
369 behalf of any qualified entity.

370 **Section 6. Paragraph (a) of subsection (5) of section
371 44.407, Florida Statutes, is amended to read:**

372 44.407 Elder-focused dispute resolution process.—
373 (5) QUALIFICATIONS FOR ELDERCARING COORDINATORS.—
374 (a) The court shall appoint qualified eldercaring
375 coordinators who:

376 1. Meet one of the following professional requirements:

377 a. Are licensed as a mental health professional under
378 chapter 491 and hold at least a master's degree in the
379 professional field of practice;

380 b. Are licensed as a psychologist under chapter 490;

381 c. Are licensed as a physician under chapter 458 or
382 chapter 459;

383 d. Are licensed as a nurse under chapter 464 and hold at
384 least a master's degree;

385 e. Are certified by the Florida Supreme Court as a family
386 mediator and hold at least a master's degree;

387 f. Are a member in good standing of The Florida Bar; or

388 g. Are a professional guardian as defined in s.

389 744.102(17) and hold at least a master's degree.

390 2. Have completed all of the following:

391 a. Three years of postlicensure or postcertification
392 practice;

393 b. A family mediation training program certified by the
394 Florida Supreme Court; and

395 c. An eldercaring coordinator training program certified
396 by the Florida Supreme Court. The training must total at least
397 44 hours and must include advanced tactics for dispute
398 resolution of issues related to aging, illness, incapacity, or
399 other vulnerabilities associated with elders, as well as elder,
400 guardianship, and incapacity law and procedures and less

401 restrictive alternatives to guardianship; phases of eldercaring
402 coordination and the role and functions of an eldercaring
403 coordinator; the elder's role within eldercaring coordination;
404 family dynamics related to eldercaring coordination; eldercaring
405 coordination skills and techniques; multicultural competence and
406 its use in eldercaring coordination; at least 6 hours of the
407 implications of elder abuse, neglect, and exploitation and other
408 safety issues pertinent to the training; at least 4 hours of
409 ethical considerations pertaining to the training; use of
410 technology within eldercaring coordination; and court-specific
411 eldercaring coordination procedures. Pending certification of a
412 training program by the Florida Supreme Court, the eldercaring
413 coordinator must document completion of training that satisfies
414 the hours and the elements prescribed in this sub-subparagraph.

415 3. Have successfully passed a level 2 background screening
416 as provided in s. 435.04(2) ~~and (3)~~ or are exempt from
417 disqualification under s. 435.07. The prospective eldercaring
418 coordinator must submit a full set of fingerprints to the court
419 or to a vendor, entity, or agency authorized by s. 943.053(13).
420 The court, vendor, entity, or agency shall forward the
421 fingerprints to the Department of Law Enforcement for state
422 processing, and the Department of Law Enforcement shall forward
423 the fingerprints to the Federal Bureau of Investigation for
424 national processing. The prospective eldercaring coordinator
425 shall pay the fees for state and federal fingerprint processing.

426 The state cost for fingerprint processing shall be as provided
427 in s. 943.053(3)(e) for records provided to persons or entities
428 other than those specified as exceptions therein.

429 4. Have not been a respondent in a final order granting an
430 injunction for protection against domestic, dating, sexual, or
431 repeat violence or stalking or exploitation of an elder or a
432 disabled person.

433 5. Have met any additional qualifications the court may
434 require to address issues specific to the parties.

435 **Section 7. Subsection (5) of section 501.9741, Florida
436 Statutes, is amended to read:**

437 501.9741 Assisting in veterans' benefits matters.—

438 (5) BACKGROUND SCREENING.—A provider must ensure that all
439 individuals who directly assist a veteran in a veterans'
440 benefits matter complete a level 2 background screening that
441 screens for any offenses identified in s. 408.809(4) or s.
442 435.04(2)(e), (f), or (ss) or (3) ~~s. 435.04(2)(d), (e), or (ee)~~
443 ~~or (4)~~ before entering into any agreement with a veteran for
444 veterans' benefits matters. An individual must submit a full set
445 of fingerprints to the Department of Law Enforcement or to a
446 vendor, entity, or agency authorized by s. 943.053(13), which
447 shall forward the fingerprints to the Department of Law
448 Enforcement for state processing. The Department of Veterans'
449 Affairs shall transmit the background screening results to the
450 provider, which results must indicate whether an individual's

451 background screening contains any of the offenses listed in this
452 subsection. Fees for state and federal fingerprint processing
453 must be borne by the provider or individual. The state cost for
454 fingerprint processing is as provided in s. 943.053(3) (e). This
455 subsection does not imply endorsement, certification, or
456 regulation of providers by the Department of Veterans' Affairs.

457 **Section 8. For the purpose of incorporating the amendment
458 made by this act to section 435.04, Florida Statutes, in
459 references thereto, subsection (6) and paragraph (d) of
460 subsection (8) of section 397.487, Florida Statutes, are
461 reenacted to read:**

462 397.487 Voluntary certification of recovery residences.—
463 (6) All owners, directors, and chief financial officers of
464 an applicant recovery residence are subject to level 2
465 background screening as provided under s. 408.809 and chapter
466 435. A recovery residence is ineligible for certification, and a
467 credentialing entity shall deny a recovery residence's
468 application, if any owner, director, or chief financial officer
469 has been found guilty of, or has entered a plea of guilty or
470 nolo contendere to, regardless of adjudication, any offense
471 listed in s. 408.809(4) or s. 435.04(2) unless the department
472 has issued an exemption under s. 435.07. Exemptions from
473 disqualification applicable to service provider personnel
474 pursuant to s. 397.4073 or s. 435.07 shall apply to this
475 subsection. In accordance with s. 435.04, the department shall

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476 notify the credentialing agency of an owner's, director's, or
477 chief financial officer's eligibility based on the results of
478 his or her background screening.

479 (8) Onsite followup monitoring of a certified recovery
480 residence may be conducted by the credentialing entity to
481 determine continuing compliance with certification requirements.
482 The credentialing entity shall inspect each certified recovery
483 residence at least annually to ensure compliance.

484 (d) If any owner, director, or chief financial officer of
485 a certified recovery residence is arrested and awaiting
486 disposition for or found guilty of, or enters a plea of guilty
487 or nolo contendere to, regardless of whether adjudication is
488 withheld, any offense listed in s. 435.04(2) while acting in
489 that capacity, the certified recovery residence must immediately
490 remove the person from that position and notify the
491 credentialing entity within 3 business days after such removal.
492 The credentialing entity must revoke the certificate of
493 compliance of a certified recovery residence that fails to meet
494 these requirements.

495 **Section 9. For the purpose of incorporating the amendment**
496 **made by this act to section 435.04, Florida Statutes, in**
497 **references thereto, subsection (5) and paragraph (b) of**
498 **subsection (6) of section 397.4871, Florida Statutes, are**
499 **reenacted to read:**

500 397.4871 Recovery residence administrator certification.—

501 (5) All applicants are subject to level 2 background
502 screening as provided under chapter 435. An applicant is
503 ineligible, and a credentialing entity shall deny the
504 application, if the applicant has been found guilty of, or has
505 entered a plea of guilty or nolo contendere to, regardless of
506 adjudication, any offense listed in s. 408.809 or s. 435.04(2)
507 unless the department has issued an exemption under s. 435.07.
508 Exemptions from disqualification applicable to service provider
509 personnel pursuant to s. 397.4073 or s. 435.07 shall apply to
510 this subsection. In accordance with s. 435.04, the department
511 shall notify the credentialing agency of the applicant's
512 eligibility based on the results of his or her background
513 screening.

514 (6) The credentialing entity shall issue a certificate of
515 compliance upon approval of a person's application. The
516 certification shall automatically terminate 1 year after
517 issuance if not renewed.

518 (b) If a certified recovery residence administrator of a
519 recovery residence is arrested and awaiting disposition for or
520 found guilty of, or enters a plea of guilty or nolo contendere
521 to, regardless of whether adjudication is withheld, any offense
522 listed in s. 435.04(2) while acting in that capacity, the
523 certified recovery residence must immediately remove the person
524 from that position and notify the credentialing entity within 3
525 business days after such removal. The certified recovery

526 residence shall retain a certified recovery residence
527 administrator within 90 days after such removal. The
528 credentialing entity must revoke the certificate of compliance
529 of any recovery residence that fails to meet these requirements.

530 **Section 10. For the purpose of incorporating the amendment
531 made by this act to section 435.04, Florida Statutes, in a
532 reference thereto, subsection (13) of section 409.913, Florida
533 Statutes, is reenacted to read:**

534 409.913 Oversight of the integrity of the Medicaid
535 program.—The agency shall operate a program to oversee the
536 activities of Florida Medicaid recipients, and providers and
537 their representatives, to ensure that fraudulent and abusive
538 behavior and neglect of recipients occur to the minimum extent
539 possible, and to recover overpayments and impose sanctions as
540 appropriate. Each January 15, the agency and the Medicaid Fraud
541 Control Unit of the Department of Legal Affairs shall submit a
542 report to the Legislature documenting the effectiveness of the
543 state's efforts to control Medicaid fraud and abuse and to
544 recover Medicaid overpayments during the previous fiscal year.
545 The report must describe the number of cases opened and
546 investigated each year; the sources of the cases opened; the
547 disposition of the cases closed each year; the amount of
548 overpayments alleged in preliminary and final audit letters; the
549 number and amount of fines or penalties imposed; any reductions
550 in overpayment amounts negotiated in settlement agreements or by

551 other means; the amount of final agency determinations of
552 overpayments; the amount deducted from federal claiming as a
553 result of overpayments; the amount of overpayments recovered
554 each year; the amount of cost of investigation recovered each
555 year; the average length of time to collect from the time the
556 case was opened until the overpayment is paid in full; the
557 amount determined as uncollectible and the portion of the
558 uncollectible amount subsequently reclaimed from the Federal
559 Government; the number of providers, by type, that are
560 terminated from participation in the Medicaid program as a
561 result of fraud and abuse; and all costs associated with
562 discovering and prosecuting cases of Medicaid overpayments and
563 making recoveries in such cases. The report must also document
564 actions taken to prevent overpayments and the number of
565 providers prevented from enrolling in or reenrolling in the
566 Medicaid program as a result of documented Medicaid fraud and
567 abuse and must include policy recommendations necessary to
568 prevent or recover overpayments and changes necessary to prevent
569 and detect Medicaid fraud. All policy recommendations in the
570 report must include a detailed fiscal analysis, including, but
571 not limited to, implementation costs, estimated savings to the
572 Medicaid program, and the return on investment. The agency must
573 submit the policy recommendations and fiscal analyses in the
574 report to the appropriate estimating conference, pursuant to s.
575 216.137, by February 15 of each year. The agency and the

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576 Medicaid Fraud Control Unit of the Department of Legal Affairs
577 each must include detailed unit-specific performance standards,
578 benchmarks, and metrics in the report, including projected cost
579 savings to the state Medicaid program during the following
580 fiscal year.

581 (13) The agency shall terminate participation of a
582 Medicaid provider in the Medicaid program and may seek civil
583 remedies or impose other administrative sanctions against a
584 Medicaid provider, if the provider or any principal, officer,
585 director, agent, managing employee, or affiliated person of the
586 provider, or any partner or shareholder having an ownership
587 interest in the provider equal to 5 percent or greater, has been
588 convicted of a criminal offense under federal law or the law of
589 any state relating to the practice of the provider's profession,
590 or a criminal offense listed under s. 408.809(4), s.
591 409.907(10), or s. 435.04(2). If the agency determines that the
592 provider did not participate or acquiesce in the offense,
593 termination will not be imposed. If the agency effects a
594 termination under this subsection, the agency shall take final
595 agency action.

596 **Section 11. For the purpose of incorporating the amendment**
597 **made by this act to section 435.04, Florida Statutes, in a**
598 **reference thereto, subsection (2) of section 435.03, Florida**
599 **Statutes, is reenacted to read:**

600 435.03 Level 1 screening standards.—

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601 (2) Any person required by law to be screened pursuant to
602 this section must not have an arrest awaiting final disposition,
603 must not have been found guilty of, regardless of adjudication,
604 or entered a plea of nolo contendere or guilty to, and must not
605 have been adjudicated delinquent and the record has not been
606 sealed or expunged for, any offense prohibited under s.
607 435.04(2) or similar law of another jurisdiction.

Section 12. For the purpose of incorporating the amendment made by this act to section 435.04, Florida Statutes, in a reference thereto, paragraph (j) of subsection (1) of section 1012.22, Florida Statutes, is reenacted to read:

1012.22 Public school personnel; powers and duties of the district school board.—The district school board shall:

(1) Designate positions to be filled, prescribe qualifications for those positions, and provide for the appointment, compensation, promotion, suspension, and dismissal of employees as follows, subject to the requirements of this chapter:

(j) *Temporary removal from the classroom.*—The district school board shall adopt a policy temporarily removing instructional personnel from the classroom within 24 hours after a notification by law enforcement or a self-reporting employee of his or her arrest for a felony offense or for a misdemeanor offense listed in s. 435.04(2).

Section 13. For the purpose of incorporating the amendment

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626 **made by this act to section 435.04, Florida Statutes, in a**
627 **reference thereto, subsection (1) of section 1012.315, Florida**
628 **Statutes, is reenacted to read:**

629 1012.315 Screening standards.—

630 (1) A person is ineligible for educator certification or
631 employment in any position that requires direct contact with
632 students in a district school system, a charter school, or a
633 private school that participates in a state scholarship program
634 under chapter 1002, which includes being an owner or operator of
635 a private school that participates in a scholarship program
636 under chapter 1002, if the person:

637 (a) Is on the disqualification list maintained by the
638 department under s. 1001.10(4)(b);

639 (b) Is registered as a sex offender as described in 42
640 U.S.C. s. 9858f(c)(1)(C);

641 (c) Is ineligible based on a security background
642 investigation under s. 435.04(2). The Agency for Health Care
643 Administration shall determine the eligibility of employees in
644 any position that requires direct contact with students in a
645 district school system, a charter school, or a private school
646 that participates in a state scholarship program under chapter
647 1002;

648 (d) Would be ineligible for an exemption under s.
649 435.07(4)(c); or

650 (e) Has been convicted or found guilty of, has had

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651 adjudication withheld for, or has pled guilty or nolo contendere
652 to:

653 1. Any criminal act committed in another state or under
654 federal law which, if committed in this state, constitutes a
655 disqualifying offense under s. 435.04(2).

656 2. Any delinquent act committed in this state or any
657 delinquent or criminal act committed in another state or under
658 federal law which, if committed in this state, qualifies an
659 individual for inclusion on the Registered Juvenile Sex Offender
660 List under s. 943.0435(1)(h)1.d.

661 **Section 14. For the purpose of incorporating the amendment
662 made by this act to section 435.04, Florida Statutes, in a
663 reference thereto, section 1012.797, Florida Statutes, is
664 reenacted to read:**

665 1012.797 Notification of certain charges against
666 employees.—Notwithstanding s. 985.04(7) or any other law to the
667 contrary, a law enforcement agency shall, within 48 hours,
668 notify the appropriate district school superintendent, charter
669 school governing board, private school owner or administrator,
670 president of the Florida School for the Deaf and the Blind, or
671 university lab schools director or principal, as applicable,
672 when its employee is arrested for a felony or a misdemeanor
673 involving an offense listed in s. 435.04(2), the abuse of a
674 minor child, or the sale or possession of a controlled
675 substance. The notification must include the specific charge for

676 which the employee of the school district was arrested.
677 Notwithstanding ss. 1012.31(3)(a)1. and 1012.796(4), within 24
678 hours after such notification, the school principal or designee
679 shall notify parents of enrolled students who had direct contact
680 with the employee and include, at a minimum, the name and
681 specific charges against the employee.

682 **Section 15. For the purpose of incorporating the amendment
683 made by this act to section 435.04, Florida Statutes, in a
684 reference thereto, subsection (2) of section 1012.799, Florida
685 Statutes, is reenacted to read:**

686 1012.799 Reporting and self-reporting certain offenses.—

687 (2) Instructional personnel and administrative personnel
688 shall self-report within 48 hours to a school district
689 authority, as determined by the district superintendent, any
690 arrest for a felony offense or for a misdemeanor offense listed
691 in s. 435.04(2). Such self-report is not considered an admission
692 of guilt and is not admissible for any purpose in any
693 proceeding, civil or criminal, administrative or judicial,
694 investigatory or adjudicatory. In addition, instructional
695 personnel and administrative personnel shall self-report any
696 conviction, finding of guilt, withholding of adjudication,
697 commitment to a pretrial diversion program, or entering of a
698 plea of guilty or nolo contendere for any criminal offense other
699 than a minor traffic violation within 48 hours after the final
700 judgment. When handling sealed and expunged records disclosed

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701 under this rule, school districts must comply with the
702 confidentiality provisions of ss. 943.0585(4)(c) and
703 943.059(4)(c).

704 **Section 16.** This act shall take effect July 1, 2026.