

By Senator Grall

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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
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

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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; providing an effective date.

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

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

435.04 Level 2 screening standards.—

(2) The security background investigations under this

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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:

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

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

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

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

(e)~~(d)~~ Section 414.39, relating to fraud, if the offense was a felony.

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

(g) Section 741.28, relating to domestic violence.

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

(i)~~(g)~~ Section 782.04, relating to murder.

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

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

(l)~~(j)~~ Section 782.09, relating to killing of an unborn

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child by injury to the mother.

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

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

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

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

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

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

(s)~~(q)~~ Section 787.01, relating to kidnapping.

(t)~~(r)~~ Section 787.02, relating to false imprisonment.

(u)~~(s)~~ Section 787.025, relating to luring or enticing a child.

(v)~~(t)~~ Section 787.04(2), relating to taking, enticing, or removing a child beyond the state limits with criminal intent pending custody proceedings.

(w)~~(u)~~ Section 787.04(3), 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.

(x)~~(v)~~ Section 787.06, relating to human trafficking.

(y)~~(w)~~ Section 787.07, relating to human smuggling.

(z)~~(x)~~ Section 790.115(1), relating to exhibiting firearms or weapons within 1,000 feet of a school.

(aa)~~(y)~~ Section 790.115(2)(b), relating to possessing an electric weapon or device, destructive device, or other weapon

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on school property.

(bb)~~(z)~~ Section 794.011, relating to sexual battery.

(cc)~~(aa)~~ Former s. 794.041, relating to prohibited acts of persons in familial or custodial authority.

(dd)~~(bb)~~ Section 794.05, relating to unlawful sexual activity with certain minors.

(ee)~~(ee)~~ Section 794.08, relating to female genital mutilation.

(ff)~~(dd)~~ Chapter 796, relating to prostitution.

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

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

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

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

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

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

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

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

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

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

(qq)~~(mm)~~ Section 825.102, relating to abuse, aggravated

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abuse, or neglect of an elderly person or disabled adult.

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

(ss)~~(oo)~~ Section 825.103, relating to exploitation of an elderly person or disabled adult, if the offense was a felony.

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

(uu)~~(qq)~~ Section 827.03, relating to child abuse, aggravated child abuse, or neglect of a child.

(vv)~~(rr)~~ Section 827.04, relating to contributing to the delinquency or dependency of a child.

(ww)~~(ss)~~ Former s. 827.05, relating to negligent treatment of children.

(xx)~~(tt)~~ Section 827.071, relating to sexual performance by a child.

(yy) Chapter 828, relating to animal cruelty.

(zz) Section 831.29, relating to making or having instruments and material for counterfeiting driver licenses or identification cards.

(aaa)~~(uu)~~ Section 831.311, relating to the unlawful sale, manufacture, alteration, delivery, uttering, or possession of counterfeit-resistant prescription blanks for controlled substances.

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

(ccc)~~(vv)~~ Section 836.10, relating to written or electronic threats to kill, do bodily injury, or conduct a mass shooting or an act of terrorism.

(ddd) Section 838.015, relating to bribery.

(eee)~~(ww)~~ Section 843.01, relating to resisting arrest with

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175 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)~~(aa)~~ Chapter 847, relating to obscene literature.

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

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

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

189 (mmm)~~(ee)~~ 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)~~(ff)~~ Section 916.1075, relating to sexual misconduct
193 with certain forensic clients and reporting of such sexual
194 misconduct.

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

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

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

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

203 (sss) Section 951.22, relating to contraband articles in

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county detention facilities.

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

(uuu)~~(lll)~~ Section 985.711, relating to contraband introduced into detention facilities.

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

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

435.12 Care Provider Background Screening Clearinghouse.—

(1) The Agency for Health Care Administration in consultation with the Department of Law Enforcement shall create a secure web-based system, which shall be known as the "Care Provider Background Screening Clearinghouse" or "clearinghouse." The clearinghouse must allow the results of criminal history checks provided to the specified agencies and, beginning January 1, 2026, or a later date as determined by the Agency for Health Care Administration, to qualified entities participating in the clearinghouse for screening of persons qualified as care providers under s. 943.0542 to be shared among the specified agencies and qualified entities when a person has applied to volunteer, be employed, be licensed, enter into a contract, or has an affiliation that allows or requires a state and national fingerprint-based criminal history check. Beginning January 1,

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2025, or a later date as determined by the Agency for Health Care Administration, the Agency for Health Care Administration shall review and determine eligibility for all criminal history checks submitted to the clearinghouse for the Department of Education. The clearinghouse shall share eligibility determinations with the Department of Education and the qualified entities. Beginning July 1, 2028, or as soon as practicable thereafter as determined by the Agency for Health Care Administration, the Agency for Health Care Administration shall review and determine eligibility for all criminal history checks submitted to the clearinghouse by specified agencies as defined in s. 435.02. The clearinghouse shall share eligibility determinations with the specified agencies. Each specified agency and qualified entity is responsible for processing exemptions from disqualification pursuant to s. 435.07. The Agency for Health Care Administration and the Department of Law Enforcement may adopt rules to create forms or implement procedures needed to carry out this section.

Section 3. The amendments made by this act to s. 435.12(1), Florida Statutes, must be implemented by July 1, 2028, or as soon as practicable thereafter as determined by the Agency for Health Care Administration.

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

943.0438 Athletic coaches for independent sanctioning authorities.—

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

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

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

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

(2) An independent sanctioning authority shall:

(a) Effective July 1, 2026:7

1. Conduct a level 2 background screening under s. 435.04 of each current and prospective athletic coach. The authority may not delegate this responsibility to an individual team and may not authorize any person to act as an athletic coach unless a level 2 background screening is conducted and does not result in disqualification under subparagraph 3 ~~paragraph (b)~~.

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

~~3.2. On or after January 1, 2026, or a later date as determined by the Agency for Health Care Administration,~~ Not allow a ~~any~~ person to act as an athletic coach if he or she does not pass the background screening qualifications in s. 435.04.

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The authority may allow a person disqualified under this subparagraph to act as an athletic coach if the person has successfully completed the exemption from the disqualification process under s. 435.07.

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

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

(5) Notwithstanding paragraph (2)(a), a person who has not undergone background screening pursuant to this section may act as an athletic coach if he or she is under the direct supervision of an athletic coach who meets the background screening requirements of this section.

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

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

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

1. Register with the department before submitting a request for screening under this section. Each such request must be voluntary and conform to the requirements established in the National Child Protection Act of 1993, as amended. As a part of the registration, the qualified entity must agree to comply with state and federal law and must so indicate by signing an agreement approved by the department. The qualified entity shall designate a user administrator to act as the primary point of

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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 by
329 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

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such record information to the qualified entity ~~only if the~~
~~person requests an exemption from the qualified entity under s.~~
~~435.07.~~

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

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

44.407 Elder-focused dispute resolution process.—

(5) QUALIFICATIONS FOR ELDERCARE COORDINATORS.—

(a) The court shall appoint qualified eldercaring coordinators who:

1. Meet one of the following professional requirements:

a. Are licensed as a mental health professional under

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chapter 491 and hold at least a master's degree in the professional field of practice;

b. Are licensed as a psychologist under chapter 490;

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

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

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

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

g. Are a professional guardian as defined in s. 744.102(17) and hold at least a master's degree.

2. Have completed all of the following:

a. Three years of postlicensure or postcertification practice;

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

c. An eldercaring coordinator training program certified by the Florida Supreme Court. The training must total at least 44 hours and must include advanced tactics for dispute resolution of issues related to aging, illness, incapacity, or other vulnerabilities associated with elders, as well as elder, guardianship, and incapacity law and procedures and less restrictive alternatives to guardianship; phases of eldercaring coordination and the role and functions of an eldercaring coordinator; the elder's role within eldercaring coordination; family dynamics related to eldercaring coordination; eldercaring coordination skills and techniques; multicultural competence and its use in eldercaring coordination; at least 6 hours of the

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implications of elder abuse, neglect, and exploitation and other safety issues pertinent to the training; at least 4 hours of ethical considerations pertaining to the training; use of technology within eldercaring coordination; and court-specific eldercaring coordination procedures. Pending certification of a training program by the Florida Supreme Court, the eldercaring coordinator must document completion of training that satisfies the hours and the elements prescribed in this sub-subparagraph.

3. Have successfully passed a level 2 background screening as provided in s. 435.04(2) ~~and (3)~~ or are exempt from disqualification under s. 435.07. The prospective eldercaring coordinator must submit a full set of fingerprints to the court or to a vendor, entity, or agency authorized by s. 943.053(13). The court, vendor, entity, or agency shall forward the fingerprints to the Department of Law Enforcement for state processing, and the Department of Law Enforcement shall forward the fingerprints to the Federal Bureau of Investigation for national processing. The prospective eldercaring coordinator shall pay the fees for state and federal fingerprint processing. The state cost for fingerprint processing shall be as provided in s. 943.053(3)(e) for records provided to persons or entities other than those specified as exceptions therein.

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

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

Section 7. Subsection (5) of section 501.9741, Florida

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Statutes, is amended to read:

501.9741 Assisting in veterans' benefits matters.—

(5) BACKGROUND SCREENING.—A provider must ensure that all individuals who directly assist a veteran in a veterans' benefits matter complete a level 2 background screening that screens for any offenses identified in s. 408.809(4) or s. 435.04(2)(e), (f), or (ss) or (3) ~~s. 435.04(2)(d), (e), or (oo) or (4)~~ before entering into any agreement with a veteran for veterans' benefits matters. An individual must submit a full set of fingerprints to the Department of Law Enforcement or to a vendor, entity, or agency authorized by s. 943.053(13), which shall forward the fingerprints to the Department of Law Enforcement for state processing. The Department of Veterans' Affairs shall transmit the background screening results to the provider, which results must indicate whether an individual's background screening contains any of the offenses listed in this subsection. Fees for state and federal fingerprint processing must be borne by the provider or individual. The state cost for fingerprint processing is as provided in s. 943.053(3)(e). This subsection does not imply endorsement, certification, or regulation of providers by the Department of Veterans' Affairs.

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

397.487 Voluntary certification of recovery residences.—

(6) All owners, directors, and chief financial officers of an applicant recovery residence are subject to level 2

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background screening as provided under s. 408.809 and chapter 435. A recovery residence is ineligible for certification, and a credentialing entity shall deny a recovery residence's application, if any owner, director, or chief financial officer has been found guilty of, or has entered a plea of guilty or nolo contendere to, regardless of adjudication, any offense listed in s. 408.809(4) or s. 435.04(2) unless the department has issued an exemption under s. 435.07. Exemptions from disqualification applicable to service provider personnel pursuant to s. 397.4073 or s. 435.07 shall apply to this subsection. In accordance with s. 435.04, the department shall notify the credentialing agency of an owner's, director's, or chief financial officer's eligibility based on the results of his or her background screening.

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

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

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these requirements.

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

397.4871 Recovery residence administrator certification.—

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

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

(b) If a certified recovery residence administrator of a recovery residence is arrested and awaiting disposition for or found guilty of, or enters a plea of guilty or nolo contendere to, regardless of whether adjudication is withheld, any offense listed in s. 435.04(2) while acting in that capacity, the

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certified recovery residence must immediately remove the person from that position and notify the credentialing entity within 3 business days after such removal. The certified recovery residence shall retain a certified recovery residence administrator within 90 days after such removal. The credentialing entity must revoke the certificate of compliance of any recovery residence that fails to meet these requirements.

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

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

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overpayments; the amount deducted from federal claiming as a result of overpayments; the amount of overpayments recovered each year; the amount of cost of investigation recovered each year; the average length of time to collect from the time the case was opened until the overpayment is paid in full; the amount determined as uncollectible and the portion of the uncollectible amount subsequently reclaimed from the Federal Government; the number of providers, by type, that are terminated from participation in the Medicaid program as a result of fraud and abuse; and all costs associated with discovering and prosecuting cases of Medicaid overpayments and making recoveries in such cases. The report must also document actions taken to prevent overpayments and the number of providers prevented from enrolling in or reenrolling in the Medicaid program as a result of documented Medicaid fraud and abuse and must include policy recommendations necessary to prevent or recover overpayments and changes necessary to prevent and detect Medicaid fraud. All policy recommendations in the report must include a detailed fiscal analysis, including, but not limited to, implementation costs, estimated savings to the Medicaid program, and the return on investment. The agency must submit the policy recommendations and fiscal analyses in the report to the appropriate estimating conference, pursuant to s. 216.137, by February 15 of each year. The agency and the Medicaid Fraud Control Unit of the Department of Legal Affairs each must include detailed unit-specific performance standards, benchmarks, and metrics in the report, including projected cost savings to the state Medicaid program during the following fiscal year.

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

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

435.03 Level 1 screening standards.—

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

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

1012.315 Screening standards.—

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

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

(b) Is registered as a sex offender as described in 42

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U.S.C. s. 9858f(c)(1)(C);

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

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

(e) Has been convicted or found guilty of, has had adjudication withheld for, or has pled guilty or nolo contendere to:

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

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

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

1012.797 Notification of certain charges against employees.—Notwithstanding s. 985.04(7) or any other law to the contrary, a law enforcement agency shall, within 48 hours, notify the appropriate district school superintendent, charter

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668 school governing board, private school owner or administrator,
669 president of the Florida School for the Deaf and the Blind, or
670 university lab schools director or principal, as applicable,
671 when its employee is arrested for a felony or a misdemeanor
672 involving an offense listed in s. 435.04(2), the abuse of a
673 minor child, or the sale or possession of a controlled
674 substance. The notification must include the specific charge for
675 which the employee of the school district was arrested.
676 Notwithstanding ss. 1012.31(3)(a)1. and 1012.796(4), within 24
677 hours after such notification, the school principal or designee
678 shall notify parents of enrolled students who had direct contact
679 with the employee and include, at a minimum, the name and
680 specific charges against the employee.

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

685 1012.799 Reporting and self-reporting certain offenses.—

686 (2) Instructional personnel and administrative personnel
687 shall self-report within 48 hours to a school district
688 authority, as determined by the district superintendent, any
689 arrest for a felony offense or for a misdemeanor offense listed
690 in s. 435.04(2). Such self-report is not considered an admission
691 of guilt and is not admissible for any purpose in any
692 proceeding, civil or criminal, administrative or judicial,
693 investigatory or adjudicatory. In addition, instructional
694 personnel and administrative personnel shall self-report any
695 conviction, finding of guilt, withholding of adjudication,
696 commitment to a pretrial diversion program, or entering of a

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697 plea of guilty or nolo contendere for any criminal offense other
698 than a minor traffic violation within 48 hours after the final
699 judgment. When handling sealed and expunged records disclosed
700 under this rule, school districts must comply with the
701 confidentiality provisions of ss. 943.0585(4)(c) and
702 943.059(4)(c).

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