

FLORIDA HOUSE OF REPRESENTATIVES FINAL 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	COMPANION BILL: CS/SB 794 (Jones)
TITLE: Agency for Persons with Disabilities	LINKED BILLS: None
SPONSOR(S): Tant and Weinberger	RELATED BILLS: CS/SB 794 (Jones)
FINAL HOUSE FLOOR ACTION: 110 Y's 0 N's	GOVERNOR'S ACTION: Approved

SUMMARY

Effect of the Bill:

CS/HB 565 expands the eligibility for services provided by the Agency for Persons with Disabilities (APD) by adding Tatton-Brown-Rahman syndrome as a qualifying condition for APD services, including the iBudget waiver, subject to existing prioritization criteria. The bill also requires all employees of APD-licensed adult day training and residential facilities to undergo a level 2 background screening.

The bill requires APD to take several actions to enhance waiver support coordinator (WSC) services. APD must contract with a state university to survey qualified organizations, WSCs, iBudget clients, and their families or caregivers, about WSC services. APD must conduct public hearings in each service region of the state to solicit input from stakeholders on the enhancement of WSC services. APD must also conduct or contract for a gap analysis to assess the geographic distribution and caseload capacity of WSC services across the state. After taking such actions, APD must submit a report of the full survey results and the identification of specific core competencies for WSCs, including performance metrics and recommendations for standardizing WSC assessments, to the Governor and Legislature by February 15, 2027.

Fiscal or Economic Impact:

The bill will have a significant, negative fiscal impact on APD to implement it, and a significant, indeterminate negative fiscal impact on residential facilities and adult day training programs to background screen all employees. See Fiscal or Economic Impact section.

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ANALYSIS

EFFECT OF THE BILL:

APD Services Eligibility – [Tatton-Brown-Rahman Syndrome](#)

The bill expands the eligibility criteria for services provided by the Agency for Persons with Disabilities (APD), including [iBudget](#) home and community-based waiver services and [Individual and Family Supports](#) (IFS) funding, by adding Tatton-Brown-Rahman syndrome (TBRS) to the list of disorders or syndromes to which a developmental disability is attributable. This will create a new population of individuals who may qualify to receive APD services. (Section [1](#))

The bill provides that TBRS is a disorder caused by a genetic mutation and characterized by:

- Mild to severe intellectual disability;
- Height and weight two standard deviations or more from the mean for a person's age and sex;
- An enlarged head; and
- Any of the following features that present in infancy, childhood, or adolescence:
 - Mild facial dysmorphism.
 - Joint hypermobility.
 - Hypotonia (low muscle tone).
 - Kyphoscoliosis (a spinal deformity with forward rounding of the upper back, or hunchback, and sideways curvature of the spine).

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- Seizures.
- Cryptorchidism (undescended testicles).
- Deficits in behavior.
- Hematologic malignancies (blood and bone marrow cancers). (Section [1](#))

Since the iBudget waiver is slot-limited and not an entitlement, and because APD maintains a list of people waiting for enrollment, adding a new eligible population does not guarantee enrollment. However, adding persons with TBRS may result in a reprioritization of the preenrollment list, which is based on acuity, potentially delaying services for those currently waiting.

Waiver Support Coordination

The bill requires APD to contract with a state university to develop and administer surveys regarding waiver support coordinator (WSC) 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, WSCs 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. (Section [3](#))

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. (Section [3](#))

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. (Section [3](#))

Criminal Background Screening of APD Licensed Service Providers

The bill requires all employees of [residential facilities](#) and [adult day training](#) programs licensed by 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. (Section [2](#))

The bill was approved by the Governor on June 11, 2026, ch. 2026-129, L.O.F., and will become effective on July 1, 2026, except for the section relating to the waiver support coordination services assessment which is effective upon becoming a law. (Section [4](#))

FISCAL OR ECONOMIC IMPACT:

STATE GOVERNMENT:

The bill's expansion of eligibility for the iBudget waiver to include TBRS has no fiscal impact. Estimates indicate there are eight people with TBRS in Florida.¹ Assuming all eight apply for the iBudget waiver and qualify, all eight would be placed on the preenrollment list until slots open up for their level of acuity. Because the program is slot limited, adding additional populations has no fiscal impact.

The bill's expansion of the eligibility for IFS to include people with TBRS has an indeterminate, significant, negative fiscal impact. In Fiscal Year 2024-2025, APD served 2,052 people through IFS at a total cost of \$13,405,717.73, or an average cost of \$6,533 per person.² The Fiscal Year 2024-2025 General Appropriations Act (GAA) appropriated \$13,686,771 for IFS³, leaving \$281,053.27 in IFS funding left unspent. The unspent funds could have served an additional 43 people at the average cost of \$6,533 per person. The Fiscal Year 2026-2027 GAA appropriates \$13,686,771 for IFS⁴, which is the same amount appropriated in Fiscal Year 2024-2025. Assuming the Governor approves such funding and all eight people in the state with TBRS apply for IFS funding and qualify, the Fiscal Year 2026-2027 appropriation can be used implement the bill.

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, or conduct or contract for a gap analysis related to WSC services. APD indicates that the agency will need a total of \$1,241,927 to perform these functions, as follows:⁵

- **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.

The Fiscal Year 2026-2027 GAA does not include an appropriation for APD to contract with a state university for survey administration, hold regional public meetings, or conduct a gap analysis related to WSC services. Anticipated fiscal impacts incurred by APD as a result of implementing the bill may be addressed through the Agency's Legislative Budget Request.

¹ Correspondence from Jill Kiernan, Executive Director of the TBRS Community, Feb. 19, 2026. On file with the Health & Human Services Committee. The TBRS Community maintains a patient registry for patients of TBRS and DNMT3A that provides an online platform for patients or their legally authorized representatives to report cases of the syndrome and assist researchers studying the pathology of TBRS and DNMT3A-related disorders. See TBRS Community, *Tatton Brown Rahman Syndrome (TBRS) and DNMT3A Patient Registry*, available at <https://tbrsregistry.iamrare.org/> (last visited Mar. 17, 2026).

² Agency for Persons with Disabilities, Agency Analysis of 2026 House Bill 411, p. 6 (Dec. 9, 2025).

³ Ch. 2024-231, L.O.F, Line Item 243.

⁴ Fiscal Year 2026-2027 GAA (House Bill 5001E), Line Item 250.

⁵ Agency for Persons with Disabilities, Email from Emily Reeves, Director of Legislative Affairs, Feb. 9, 2026, on file with the Health & Human Services Committee. The Legislature has appropriated a total of \$256,102,620 in additional recurring funds from 2017-2024 to enroll people on the preenrollment list into the iBudget waiver. APD is currently using these funds to increase enrollment. According to APD, the average cost per client, per year on the iBudget waiver is \$58,000.

The bill will have no fiscal impact on the Agency for Health Care Administration (AHCA), (which administers the Care Provider Background Screening Clearinghouse). The anticipated increase in screenings is expected to be nominal and can be absorbed within existing resources.⁶

PRIVATE SECTOR:

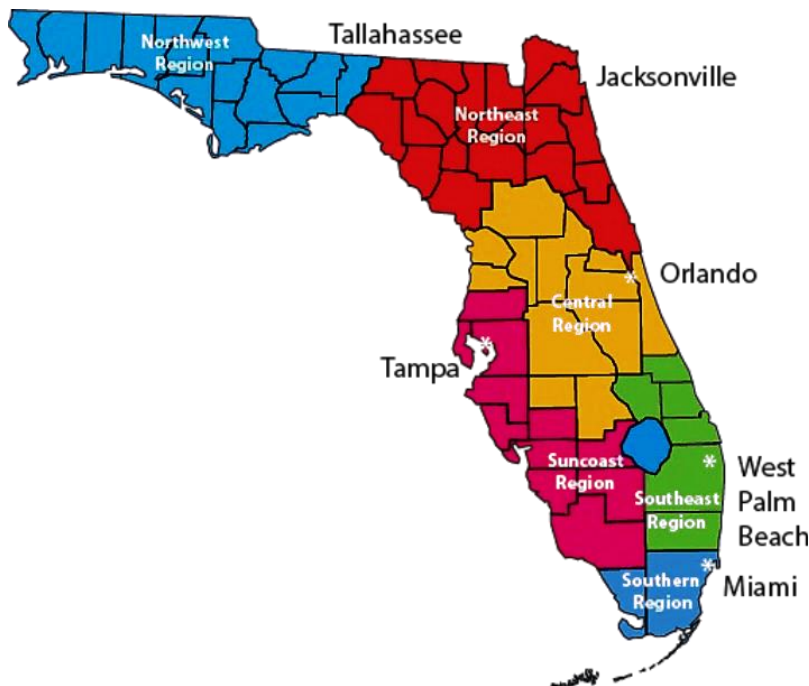
The bill will have a significant, negative fiscal impact to residential facilities and adult day training programs who must conduct level 2 background screenings on all employees under the requirements of the bill. APD estimates the cost per background screen per employee ranges from \$44.00 to \$125.00, 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.⁷

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.⁸ APD operates local offices within six [geographic service areas](#): the Northwest, Northeast, Central, Suncoast, Southeast, and Southern regions.⁹



[Individual and Family Supports](#)

⁶ Florida Agency for Health Care Administration, Email from Jim Browne, Deputy Chief of Staff of Legislative Affairs, Feb. 9, 2026, on file with the Health & Human Services Committee.

⁷ Agency for Persons with Disabilities, Agency Analysis of 2026 House Bill 565, p. 5 (Dec. 29, 2025).

⁸ Agency for Persons with Disabilities, *About Us*, <https://apd.myflorida.com/about/> (last visited Mar. 17, 2026).

⁹ Agency for Persons with Disabilities, *Local Offices*, <https://apd.myflorida.com/region/> (last visited Mar. 17, 2026).

APD provides temporary funding on a first-come, first-served basis for community services and treatment needed to meet critical needs, known as Individual and Family Supports (IFS), for people with developmental disabilities, regardless of iBudget enrollment status. Requests for IFS funds can be made orally or in writing to a local APD office, or initiated by APD itself. A description of the specific need and documentation that demonstrates such must be submitted as part of the request. Within 30 calendar days of receipt of the request, APD must approve, partially approve, deny, reduce, terminate, or request additional documentation to supplement the request. If additional documentation is requested, APD then has 60 calendar days following the receipt of the original request to make a determination.¹⁰

IFS funding may only be approved when community-based services are medically necessary to prevent institutionalization. In order to receive an IFS service, the service must not be offered or available by any other resource, including, but not limited to the Medicaid state plan, the iBudget waiver, natural supports, other agencies or programs, and other paid supports (such as Medicare or private insurance).¹¹

In Fiscal Year 2024-2025, APD served 2,052 people through IFS at a total cost of \$13,405,717.73.¹²

[iBudget Waiver](#)

Under federal law, Medicaid provides coverage for health care services to cure or ameliorate diseases; generally, Medicaid does not cover services that will not cure or mitigate the underlying diagnosis, or social services. However, people with developmental disabilities, while certainly requiring traditional medical services, need other kinds of services to maintain their independence and avoid institutionalization. Home- and community-based services (HCBS) are an alternative to institutionalizing people with developmental disabilities.

To obtain federal Medicaid funding for HCBS, Florida obtained a Medicaid waiver.¹³ This allows coverage of non-medical services to avoid institutionalization, and allows the state to limit the scope of the program to the number of enrollees deemed affordable by the state.¹⁴ In this way, the HCBS waiver is not an entitlement; it is a first-come-first-served, slot-limited program.

The HCBS waiver program, called iBudget Florida, serves eligible¹⁵ 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.¹⁶

Unlike other Medicaid waiver programs, which are administered by the Agency for Health Care Administration (AHCA), APD administers the iBudget program. 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.¹⁷ 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

¹⁰ R. 65G-13.002, F.A.C.

¹¹ R. 65G-13.003, F.A.C.

¹² Agency for Persons with Disabilities, Agency Analysis of 2026 House Bill 411, p. 6 (Dec. 9, 2025).

¹³ Florida Developmental Disabilities Individual Budgeting Waiver (0867.R02.00), March 4, 2011, authorized under s. 1915b of the Social Security Act.

¹⁴ The waiver also waives income eligibility requirements for the program, allowing the state to disregard household income and consider each waiver applicant as a 'family of one'.

¹⁵ The HCBS waiver retains 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.

¹⁶ S. [393.063\(11\), F.S.](#)

¹⁷ *Id.*

appropriated by the Legislature each year), APD maintains a preenrollment list, or waitlist, of people who would like to enroll in the iBudget waiver.¹⁸

As of February 2, 2026, there are 36,868 iBudget waiver enrollees.¹⁹

iBudget Allocation Algorithm

Each client’s established budget is determined by application of the allocation algorithm, the mathematical formula based upon statistically validated relationships between individual characteristics (variables) and the client’s level of need for services provided through the iBudget waiver.²⁰

A client can request supplemental funding, in addition to that allocated through the algorithm, that if not provided would place the health and safety needs of the client, the client’s caregiver, or public in serious jeopardy.²¹ This supplemental funding, known as “Significant Additional Need” (SAN), is categorized as an extraordinary need, a significant need for one time or temporary support or services, or a significant increase in the need for services after the beginning of the service plan year, or a significant need for transportation services.²²

APD may authorize additional funding based on one or more significant additional needs that cannot be accommodated within the funding determined by the algorithm and having no other resources, supports, or services available to meet the needs so long as the waiver support coordinator has documented the availability of all nonwaiver resources.²³ The process for approval of a SAN can take anywhere from 30 days to more than 60 days, if APD determines that it needs additional documentation to reach a decision.

iBudget Waiver Benefits

The iBudget Waiver provides the following home and community-based benefits:²⁴

iBudget Home and Community-Based Benefits	
Adult day training services	Social services
Family care services	Specialized therapies
Guardian advocate referral services	Supported employment
Parent training	Supported living
Personal care services	Training, including behavioral analysis services
Recreation	Transportation
Residential facility services	Other habilitative and rehabilitative services as needed
Respite services	

¹⁸ As of March 20, 2026, there were 16,362 individuals on the preenrollment list to receive services. See Agency for Persons with Disabilities, *Pre-Enrollment numbers by Priority Category and County, As of 3/20/2026*, available at <https://apd.myflorida.com/publications/reports/docs/Preenrollment%20Website%20Reporting%2020260320.pdf> (last visited Mar. 26, 2026).

¹⁹ Agency for Persons with Disabilities, *Home and Community Based Services (HCBS) Waiver Monthly Report for Waiver Enrollment Offers FY 2025-26* (February 2026), available at: <https://apd.myflorida.com/resources/reports/APD%20Enrollment%20Report%202026-02-28.pdf> (last visited Mar. 17, 2026).

²⁰ R. 65G-4.0213(1), F.A.C.

²¹ S. 393.0662(1), F.S.

²² R. 65G-4.0213(26), F.A.C.

²³ S. 393.0662(1)(b), F.S.

²⁴ Agency for Persons with Disabilities, *Quarterly Report on Agency Services to Floridians with Developmental Disabilities and Their Costs, Second Quarter Fiscal Year 2025-26 (October, November, December)*, available at <https://apd.myflorida.com/resources/reports/FY%2025-26%20Q2%20Quarter%20Report%20on%20Agency%20Services%20Feb%2015%202026.pdf> (last visited Mar. 17, 2026)

iBudget Waiver Preenrollment List

Because the 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 waiver. As of March 20, 2026, 16,362 individuals were on the preenrollment list to receive services.²⁵

As people leave the program or as new funding becomes available, APD is expected to enroll people from the preenrollment list in a statutory order of priority in seven categories, described below.²⁶

Preenrollment List Categories and Descriptions	
1	Crisis, as defined by APD.
2	Individuals: <ul style="list-style-type: none"> • From the child welfare system with an open case who are either: <ul style="list-style-type: none"> ○ Transitioning out of the child welfare system through adoption, reunification, permanent relative placement, or nonrelative guardianship; or ○ Ages 18-21 and need both waiver services and extended foster care; or • Ages 18-21 who chose not to remain in extended foster care.
3	Individuals: <ul style="list-style-type: none"> • Whose caregiver has a documented condition that is expected to render the caregiver unable to provide care within the next 12 months and for whom a caregiver is required but no alternate caregiver is available; • At substantial risk of incarceration or court commitment without supports; • Whose documented behaviors or physical needs place them or their caregiver at risk of serious harm and other supports are not currently available to alleviate the situation; or • Who are ready for discharge within the next year from a state mental health hospital or nursing home and require a caregiver, but for whom no caregiver is available or whose caregiver is unable to provide the care needed.
4	Individuals with caregivers age 60 or older for whom a caregiver is required but no alternate caregiver is available.
5	Individuals expected to graduate from high school within the next 12 months who need support to obtain a meaningful day activity, maintain competitive employment, or attend postsecondary education.
6	Individuals age 21 or older who do not meet the criteria for Categories 1-5.
7	Individuals under age 21 who do not meet the criteria for Categories 1-4.

Waiver Support Coordination

All individuals enrolled on the iBudget waiver must receive waiver support coordinator (WSC) services.²⁷ 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. 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.²⁸

²⁵ *Supra*, note 18.

²⁶ S. 393.065(5), F.S.

²⁷ Agency for Persons with Disabilities, *Overview of Waiver Support Coordination (July 1, 2022)*, available at https://apd.myflorida.com/waiver/support-coordination/docs/Overview_of_WSC.SupplementalResources.pdf (last visited Mar. 17, 2026).

²⁸ 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 Mar. 17, 2026).

WSCs must be employees of a [qualified organization](#) (QO) to serve iBudget clients.²⁹ In order to be qualified, an organization must:³⁰

- 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:³¹

- 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.³² 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.³³ 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:³⁴

- 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;
- 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;

²⁹ [S. 393.063\(43\), F.S.](#)

³⁰ [S. 393.0663\(2\), F.S.](#)

³¹ *Supra*, note 28 at p. 1-24.

³² [S. 393.0663\(2\)\(b\)12., F.S.](#)

³³ Agency for Persons with Disabilities, *Support Coordination*, <https://apd.myflorida.com/providersupports/supportcoordination.htm> (last visited Mar. 17, 2026).

³⁴ Agency for Persons with Disabilities, *Qualified Organization Mentoring Program Template*, available at <https://apd.myflorida.com/waiver/support-coordination/go/docs/Qualified%20Organization%20Mentoring%20Program%20Template.pdf> (last visited Mar. 17, 2026).

- 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.³⁵

APD Licensed Service Providers

Residential Facilities

A residential facility is a facility that provides room and board and personal care for people who have developmental disabilities.³⁶ 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;³⁷
- **Group homes** which provide a family living environment including supervision and care necessary to meet the physical, emotional, and social needs of its residents;³⁸ 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.³⁹

As of February, 2026, there are 2,446 residential facilities licensed by APD.⁴⁰

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.⁴¹

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 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.⁴²

As of February, 2026, there are 320 ADT programs licensed by APD.⁴³

Criminal Background Screening of APD Licensed Service Providers

Under current law, direct service providers,⁴⁴ including volunteers,⁴⁵ who work with APD clients are subject to criminal background screening, pursuant to ch. 435, F.S., and licensure or employment disqualification for certain

³⁵ Email from Emily Reeves, Director of Legislative Affairs, Agency for Persons with Disabilities, Bill Analysis Request – HB 565, (Feb. 2, 2026). On file with the Health and Human Services Committee.

³⁶ [S. 393.063\(33\), F.S.](#)

³⁷ [S. 393.063\(18\), F.S.](#) The capacity of a foster care facility may not be more than three residents.

³⁸ [S. 393.063\(19\), F.S.](#) A group home must have at least 4 but not more than 15 residents.

³⁹ [S. 393.063\(35\), F.S.](#) and Agency for Persons with Disabilities, *Residential Services*, <https://apd.myflorida.com/providers/residential.htm> (last visited Mar. 17, 2026). Residential habilitation centers may not have less than nine residents.

⁴⁰ *Supra*, note 35.

⁴¹ [S. 393.063\(1\), F.S.](#)

⁴² *Supra*, note 28.

⁴³ *Supra*, note 35.

⁴⁴ 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.](#)

⁴⁵ [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.

past criminal offenses.⁴⁶ 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 currently 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,⁴⁷ and may include criminal records checks through local law enforcement agencies.⁴⁸
- **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.⁴⁹

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.⁵⁰ 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.⁵¹

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 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:⁵²

- 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.

⁴⁶ [S. 393.0655, F.S.](#)

⁴⁷ 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 (last visited Mar. 17, 2026).

⁴⁸ 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 Mar. 17, 2026).

⁴⁹ [S. 435.04, F.S.](#)

⁵⁰ [S. 435.05\(1\)\(a\), F.S.](#)

⁵¹ [S. 435.05\(1\)\(d\), F.S.](#)

⁵² [S. 435.04\(2\), F.S.](#)

- 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.
- 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.⁵³ 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:⁵⁴

- 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
- 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,⁵⁵ career offender,⁵⁶ or a registered sexual offender⁵⁷ is not eligible for exemption.⁵⁸

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.⁵⁹ The Clearinghouse allows for constant review of new criminal history information through the federal Rap Back Service,⁶⁰ which continually matches fingerprints retained in the Clearinghouse against fingerprints received for new arrests that occur after the individual was originally

⁵³ S. [435.07, F.S.](#)

⁵⁴ *Id.*

⁵⁵ S. [775.21, F.S.](#)

⁵⁶ S. [775.261, F.S.](#)

⁵⁷ S. [943.0435, F.S.](#)

⁵⁸ S. [435.07\(4\)\(b\), F.S.](#)

⁵⁹ S. [435.12, F.S.](#)

⁶⁰ 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 Mar. 17, 2026).

screened.⁶¹ 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.⁶²

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:⁶³

- 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.⁶⁴ A qualified entity participating in the Clearinghouse must register and maintain the employment or affiliation status of all persons included in the Clearinghouse.⁶⁵

APD Services Eligibility – [Tatton-Brown-Rahman Syndrome](#)

Tatton-Brown-Rahman Syndrome (TBRS) was first identified in 2014 and is a rare genetic overgrowth disorder.⁶⁶ It is associated with tall stature, increased weight or obesity, abnormal spine curvature, large head circumference, joint hypermobility, cardiac issues, blood cancers, seizures, and mild to severe intellectual disability. However, not all individuals have every clinical finding reported and the syndrome varies considerably in its severity.⁶⁷ Individuals have been diagnosed at different ages and the syndrome seems to affect males and females equally.⁶⁸

The incidence and prevalence of TBRS is largely unknown because it is a relatively newly discovered genetic disorder. Since 2014, there approximately 500 known TBRS diagnoses worldwide, with 168 in the United States and eight in Florida.⁶⁹

TBRS is not an eligible diagnosis for an individual to receive services under the iBudget waiver, unless the patient separately qualifies under the general intellectual disability criterion.

⁶¹ S. [435.12\(2\), F.S.](#)

⁶² Agency for Health Care Administration, *Clearinghouse Renewals*, available at https://ahca.myflorida.com/MCHQ/Central_Services/Background_Screening/Renewals.shtml (last visited Mar. 17, 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.

⁶³ S. [435.02, F.S.](#)

⁶⁴ S. [943.0542\(1\)\(a\)](#) and (b), F.S.

⁶⁵ S. [435.12\(2\), F.S.](#)

⁶⁶ National Library of Medicine, *Tatton-Brown-Rahman Syndrome*, available at <https://www.ncbi.nlm.nih.gov/books/NBK581652/#> (last visited Mar. 17, 2025).

⁶⁷ National Organization for Rare Disorders, *Tatton Brown Rahman Syndrome*, available at <https://rarediseases.org/rare-diseases/tatton-brown-rahman-syndrome/> (last visited Mar. 17, 2026).

⁶⁸ *Supra*, note 66.

⁶⁹ *Supra*, note 1.

Cause

TBRS is caused by mutations in the DNMT3A gene.⁷⁰ TBRS is typically caused by a de novo (new) genetic variant, meaning it does not tend to have a family history. However, some clusters have been reported in families and the risk of passing the gene variant from affected parent to child is 50% for each pregnancy.⁷¹

Diagnosis

TBRS is diagnosed using genetic testing that shows a pathogenic variant in the DNMT3A gene.⁷² Due to the similarities between this syndrome and other overgrowth syndromes, genetic testing may include a gene panel consisting of many genes that are associated with different overgrowth syndromes.⁷³

Therapies

Clinical and developmental assessments can help determine what motor, speech, language, cognitive, early intervention, or adaptive therapies are needed for individuals with TBRS. Current therapies for TBRS involve management of symptoms. For example, speech therapy and occupational therapy may help individuals with TBRS develop necessary skills. Behavioral therapy may also be helpful for individuals with TBRS and physical therapy may be useful to treat low muscle tone and orthopedic problems. Therapies or devices may be required for individuals with spine curvature.⁷⁴

The iBudget waiver offers several services appropriate to serve individuals with TBRS, such as:⁷⁵

- Behavioral assessments and services;
- Durable medical equipment;
- Life skills development;
- Occupational therapy;
- Physical therapy;
- Speech therapy;
- Support coordination;
- Supported living; and
- Transportation.

⁷⁰ *Supra*, note 66.

⁷¹ *Supra*, note 67.

⁷² *Supra*, note 66.

⁷³ *Supra*, note 67.

⁷⁴ *Id.*

⁷⁵ *Supra*, note 24.