

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Children, Families, and Elder Affairs

BILL: SB 794

INTRODUCER: Senator Jones

SUBJECT: Agency for Persons with Disabilities

DATE: February 9, 2025 REVISED: _____

| ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----------|----------------|-----------|-------------|
| 1. Fiore | Tuszynski | CF | Pre-meeting |
| 2. | | AHS | |
| 3. | | FP | |

I. Summary:

SB 794 makes several changes to statutes governing services for persons with developmental disabilities administered by the Agency for Persons with Disabilities (APD). Specifically, the bill:

- Expands Level 2 background screening requirements to include all employees, not just managers and supervisor, of residential facilities and adult day training programs licensed under Chapter 393, Florida Statutes (F.S.);
- Removes the statutory requirement that organizations implement an agency-approved mentoring program in order to qualify to provide support coordination services to iBudget clients; and
- Removes the requirement that fines be imposed on a licensee as part of a final order issued by the APD; thus, allowing the APD to impose fines as it deems proper.

The bill has an effective date of July 1, 2026.

II. Present Situation:

Agency for Persons with Disabilities

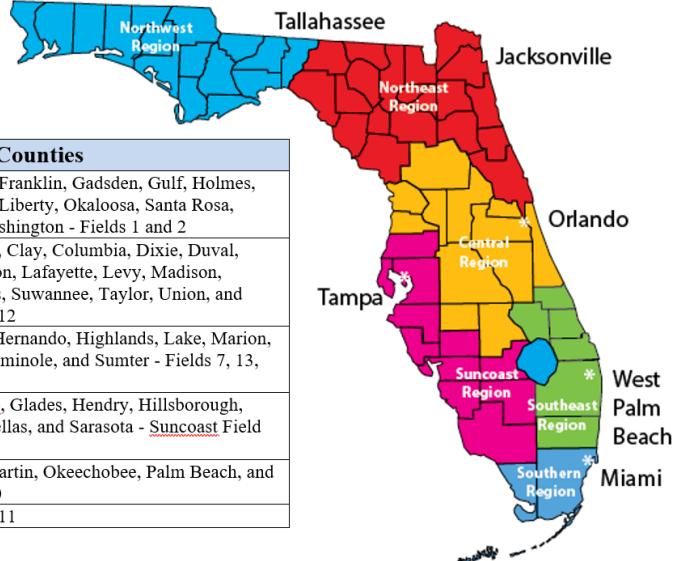
The APD is the state agency responsible for providing services to persons with developmental disabilities throughout Florida.¹ Legislative intent stipulates that the greatest priority shall be to provide community-based services and programs for individuals with developmental disabilities that enable individuals to achieve their greatest potential for independent living while reducing the number of individuals in unnecessary institutional placements.² In furtherance of this directive, the APD administers several programs, including residential services, adult day

¹ Chapter 393, F.S.; *see also* Agency for Persons with Disabilities, *Who We Are, Who We Serve*, <https://apd.myflorida.com/about/whowear.htm> (last visited on 02/05/2026).

² Section 393.062, F.S.

training programs, and the Developmental Disabilities Individual Budgeting (iBudget) Home and Community-Based Services Waiver. In addition to central headquarters in Tallahassee, the APD operates a total of six regional offices and 14 field offices throughout the state, as detailed below:³

| Region | Counties |
|-----------------|---|
| Northwest | Bay, Calhoun, Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Okaloosa, Santa Rosa, Wakulla, Walton, and Washington - Fields 1 and 2 |
| Northeast | Alachua, Baker, Bradford, Clay, Columbia, Dixie, Duval, Flagler, Gilchrist, Hamilton, Lafayette, Levy, Madison, Nassau, Putnam, St. Johns, Suwannee, Taylor, Union, and Volusia - Fields 3, 4, and 12 |
| Central | Brevard, Citrus, Hardee, Hernando, Highlands, Lake, Marion, Orange, Osceola, Polk, Seminole, and Sumter - Fields 7, 13, and 14 |
| <u>Suncoast</u> | Charlotte, Collier, <u>DeSoto</u> , Glades, Hendry, Hillsborough, Lee, Manatee, Pasco, Pinellas, and Sarasota - Suncoast Field (23) and Field 8 |
| Southeast | Broward, Indian River, Martin, Okeechobee, Palm Beach, and St. Lucie - Fields 9 and 10 |
| Southern | Dade and Monroe - Field 11 |



Background Screening of Direct Service Providers

Florida law directs the APD to establish minimum standards for the background screening of direct service providers who are unrelated to their clients. Specifically, it requires Level 2 employment screening, as defined in Chapter 435, F.S., for direct service providers, including support coordinators, and *managers and supervisors* of licensed residential facilities or adult day training programs and any other persons, including volunteers, who provide care or services, who have access to clients' living areas or personal property.⁴ Other employees of residential facilities or adult day training programs are not expressly identified in statute as subject to screening.

The APD background screening entails the following:

- Employment history checks as provided in s. 435.03(1);
- Fingerprint-based state and national criminal history checks;
- Searches of sexual offender and predator registries; and
- Review of disqualifying offenses listed in s. 435.04, F.S.⁵

In addition to the disqualifying offenses listed in s. 435.04, F.S., Chapter 393 specifies the following violations of law as disqualifying.⁶

³ Agency for Persons with Disabilities, *Local Offices*, available at: <https://apd.myflorida.com/region/> (last visited on 02/05/2026).

⁴ Section 393.0655(1), F.S.

⁵ *Id.*

⁶ Section 393.0655(5), F.S.

- Any authorizing statutes, if the offense was a felony.⁷
- Chapter 393, if the offense was a felony.
- Section 409.920, relating to Medicaid provider fraud.
- Section 409.9201, relating to Medicaid fraud.
- Section 817.034, relating to fraudulent acts through mail, wire, radio, electromagnetic, photoelectronic, or photooptical systems.
- Section 817.234, relating to false and fraudulent insurance claims.
- Section 817.505, relating to patient brokering.
- Section 817.568, relating to criminal use of personal identification information.
- Section 817.60, relating to obtaining a credit card through fraudulent means.
- Section 817.61, relating to fraudulent use of credit cards, if the offense was a felony.
- Section 831.01, relating to forgery.
- Section 831.02, relating to uttering forged instruments.
- Section 831.07, relating to forging bank bills, checks, drafts, or promissory notes.
- Section 831.09, relating to uttering forged bank bills, checks, drafts, or promissory notes.

The following individuals are exempt from these screening requirements.

- Volunteers assisting less than 10 hours per month under continuous supervision of someone who has been screened;⁸
- Licensed health care professionals regulated by the Department of Health acting within the scope of their licenses;⁹
- Individuals selected and paid directly by a client or the client's family;¹⁰ and
- Persons 12 years of age or older, including family members, residing with a direct services provider who provides services to clients in his or her own place of residence (subject only to delinquency records screening).¹¹

As of January 2026, there are currently 5,880 providers who administer services to the APD's clients. Of these, 70,636 employees have completed background screening.¹²

Support Coordination Services and Qualified Organizations

The APD contracts with qualified organizations to provide support coordination services to individuals receiving services through the iBudget waiver.¹³ Support coordinators assist clients and their families in identifying needs and resources, accessing and coordinating services, advocating on their behalf, and monitoring whether supports are effectively meeting the goals of the individual's support plan.¹⁴

⁷ The term "authorizing statutes" refers to the statutory provisions that authorize and regulate the licensure or operation of the facility, program, or service that is subject to the background screening. Accordingly, any felony offense prohibited under statutes authorizing the regulated activity, constitutes a disqualifying offense for purposes of background screening.

⁸ Section 393.0655(1)(a), F.S.

⁹ Section 393.0655(1)(b), F.S.

¹⁰ Section 393.0655(1)(c), F.S.

¹¹ Section 393.0655(1)(d), F.S.

¹² Agency for Persons with Disabilities, 2026 Agency Legislative Bill Analysis SB 794, on file with the Committee on Children, Families, and Elder Affairs.

¹³ Section 393.0663, F.S.

¹⁴ Section 393.063(43), F.S.

Current law establishes criteria that organizations must meet to qualify as support coordination providers, which include staffing requirements, ethics and disciplinary standards, compliance with agency policies, training and competency requirements, and client education related to abuse, neglect, and exploitation.¹⁵ The law specifically requires qualified organizations to implement an agency-approved mentoring program for support coordinators who have less than 12 months of experience.¹⁶

Licensure Enforcement and Administrative Fines

The APD has authority to deny, suspend, or revoke licenses of facilities regulated under Chapter 393, F.S., and may impose administrative fines as part of *a final agency order*.¹⁷ Such violations include material misrepresentations in licensure applications, noncompliance with statutory or rule requirements, prior adverse Medicaid or Medicare actions, or verified findings of abuse, neglect, abandonment, or exploitation of a child or vulnerable adult, employee misconduct, or whenever conditions pose a threat to client health, safety, or welfare.¹⁸ Under current law:

- APD may impose a fine of up to \$1,000 per violation;
- Each day a violation occurs constitutes a separate violation; and
- The aggregate amount of any fine may not exceed \$10,000.¹⁹

III. Effect of Proposed Changes:

Section 1 amends s. 393.0655, F.S., to broaden who is required to be Level 2 background screened in licensed residential facilities and adult day training programs. This change removes the specific reference to only managers and supervisors and instead requires Level 2 employment screening for *all employees* of these facilities and programs. As a result, the screening requirement is broadened to apply uniformly to all employees of these facilities and programs, regardless of job title or supervisory status.

The section also clarifies that background screening for all employees must include employment history checks pursuant to s. 435.03(1), F.S., and local criminal records checks through local law enforcement agencies. Existing statutory exemptions for certain volunteers, licensed health care professionals, family-selected providers, and household members remain unchanged.²⁰

¹⁵ Section 393.0663(2)(b), F.S.

¹⁶ Section 393.0663(2)(b)12., F.S.

¹⁷ Section 393.0673, F.S.

¹⁸ *Id.*

¹⁹ Section 393.0673(5), F.S.

²⁰ Licensed residential facilities and adult day training programs are not employees of the APD and do not have to report the number of employees of each facility or program. In Florida, there are both large and small licensed residential facilities and adult training programs some employ a small number of individuals who are all screened as direct care providers while other facilities and programs are large and may have administrative employees who do not have face to face interaction with clients and would not necessarily be required to complete a screening. Due to licensed residential facilities and adult day training programs not being required to report specific number of employees, the APD is unable to determine the specific number of employees who will be required to be screened under this legislation. Agency for Persons with Disabilities, *2026 Agency Legislative Bill Analysis SB 794*, on file with the Committee on Children, Families, and Elder Affairs.

Section 2 amends s. 393.0663, F.S., to remove the requirement that a qualified support coordination organization implement an agency-approved mentoring program for support coordinators with less than 12 months of experience. With the change, the qualified organization would need to ensure that new support coordinators are fully trained and aware of all required support coordination duties. All other qualification requirements for support coordination organizations remain unchanged.

Section 3 amends s. 393.0673, F.S., to remove the requirement that fines may be imposed on a licensee only *as part of a final order* issued by the APD. This change will allow the APD to impose fines as it deems proper as disciplinary action prior to a final administrative order.

Section 4 provides an effective date of July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None Identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

There may be a negative private sector fiscal impact. Providers will have to cover the cost of the additional screenings. They will have increased administrative and financial obligations to ensure all employees meet screening requirements prior to employment. The cost for screening ranges from \$44, if no vendor processing fee is charged, to \$125, for an average cost of \$87. Residential facilities and Adult Training providers are not required to report the exact number of employees. Due to this, the APD has provided a

chart below that outlines a range of the potential financial impact on providers based on the cost range above and the 5,880 providers.²¹

| Additional Background Screening Breakdown | | |
|--|------------------------------|--|
| Average Cost per Background Screening | \$ | 87 |
| # Provider Staff Currently in Clearinghouse | 70,636 | |
| | | |
| Additional % Added to Clearinghouse | Additional # Screened | Projected Annual Cost for Additional Individuals Screened |
| 5.0% | 3,532 | \$ 307,267 |
| 10.0% | 7,064 | \$ 614,533 |
| 15.0% | 10,595 | \$ 921,800 |
| 20.0% | 14,127 | \$ 1,229,066 |

C. Government Sector Impact:

There may be an indeterminate negative fiscal impact for the Agency for Health Care Administration and the Department of Children and Families, which will see an increase in administrative workload related to the increase in background screening processing and retainment.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 393.0655, 393.0663, 393.0673

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

²¹ Agency for Persons with Disabilities, *2026 Agency Legislative Bill Analysis SB 794*, on file with the Committee on Children, Families, and Elder Affairs.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
