

# FLORIDA HOUSE OF REPRESENTATIVES BILL ANALYSIS

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**BILL #:** [HB 431](#)

**TITLE:** Background Screening of Athletic Coaches

**SPONSOR(S):** Trabulsy

**COMPANION BILL:** None

**LINKED BILLS:** None

**RELATED BILLS:** [SB 1546](#) (Grall)

## Committee References

[Health Care Facilities & Systems](#)

17 Y, 0 N

[Criminal Justice](#)

[Health & Human Services](#)

## SUMMARY

### **Effect of the Bill:**

HB 431 extends the deadline for youth athletic team coaches providing coaching services for an independent sanctioning authority to undergo a Level 2 background screening from January 1, 2025 to July 1, 2026.

### **Fiscal or Economic Impact:**

None.

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## ANALYSIS

### **EFFECT OF THE BILL:**

Beginning January 1, 2025, current law requires [independent sanctioning authorities](#) to conduct [Level 2 background screening](#) on all current and prospective [youth athletic team coaches](#) and prohibits independent sanctioning authorities from authorizing any person who has committed a [disqualifying offense](#) to work as an athletic coach, unless that person qualifies for an [exemption](#).

HB 431 extends the implementation of this Level 2 background screening requirement from January 1, 2025 to July 1, 2026. This allows independent sanctioning authorities to continue operations without being required to conduct Level 2 background screenings of each current and prospective athletic coach as a condition of employment until July 1, 2026. (Section [1](#)).

The bill provides an effective date of July 1, 2025. (Section [2](#)).

## RELEVANT INFORMATION

### **SUBJECT OVERVIEW:**

#### [Youth Athletic Team Coaches](#)

An [independent sanctioning authority](#) is a private, nongovernmental entity that organizes, operates, or coordinates a youth athletic team that includes at least one minor and is not affiliated with a private school.<sup>1</sup> An athletic coach is a person authorized by such an independent sanctioning authority to work as a coach, assistant coach, or referee, for compensation or as a volunteer, for a youth athletic team and has direct contact with one or more minors on the youth athletic team.<sup>2</sup>

<sup>1</sup> See, [s. 1002.01\(3\), F.S.](#), for the definition of "private school."

<sup>2</sup> S. [943.0438\(1\), F.S.](#)

**STORAGE NAME:** h0431a.HFS

**DATE:** 3/4/2025

As of January 1, 2025, independent sanctioning authorities are required to conduct a Level 2 background screening for each current and prospective athletic coach.<sup>3</sup> An independent sanctioning authority may not authorize a person to act as a coach unless they have undergone a Level 2 background screening and are not disqualified due to criminal history.<sup>4</sup>

### Criminal Background Screening

Certain professions and employment settings are subject to criminal background screening and licensure or employment disqualification for certain past criminal offenses to protect vulnerable persons. Chapter 435, F.S., establishes procedures for criminal history background screening of prospective employees and outlines the screening requirements. There are two levels of background screening: Level 1 and Level 2.

- **Level 1:** Screening includes, at a minimum, employment history checks and statewide criminal correspondence checks through the Florida Department of Law Enforcement (FDLE) and a check of the Dru Sjodin National Sex Offender Public Website,<sup>5</sup> and may include criminal records checks through local law enforcement agencies. A Level 1 screening may be paid for and conducted through FDLE’s website, which provides immediate results.<sup>6</sup>
- **Level 2:** Screening includes, at a minimum, fingerprinting for statewide, national, and local criminal history records checks through FDLE, the Federal Bureau of Investigation (FBI), and local law enforcement agencies, as well as searches of sexual predator and sexual offender registries of any state in which the prospective employee lived during the preceding five years.<sup>7</sup>

### Disqualifying Offenses

Individuals subject to Level 2 background screening are disqualified from certain employment and licensure if that 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 60 offenses, or similar offenses in another jurisdiction:

- 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 listed 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 [784.03, F.S.](#), relating to battery, if the victim of the offense was a minor.

<sup>3</sup> S. [943.0438\(2\), F.S.](#); Before January 1, 2025, an independent sanctioning authority was required to conduct a Level 1 background screening including a search of the applicant or coach’s name or other identifying information against state and federal registries of sexual predators and sexual offenders for each current and prospective athletic coach.

<sup>4</sup> S. [943.0438, F.S.](#)

<sup>5</sup> The Dru Sjodin National Sex Offender Public Website is a U.S. government website that links public state, territorial, and tribal sex offender registries in one national search site. Available at [www.nsopw.gov](http://www.nsopw.gov) (last visited February 26, 2025).

<sup>6</sup> Florida Department of Law Enforcement, State of Florida Criminal History Records Check. Available at <http://www.fdle.state.fl.us/Criminal-History-Records/Florida-Checks.aspx> (last visited February 26, 2025).

<sup>7</sup> S. [435.04, F.S.](#)

- 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.
- 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 the offense was 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 of such sexual misconduct.
- 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.

### Exemptions

An individual who has been disqualified from employment due to criminal history revealed through a background screening may apply for an exemption which would allow that individual to work despite the disqualifying offense. The individual must demonstrate by clear and convincing evidence that they have been rehabilitated, will not present a danger, and should not be disqualified from employment.<sup>8</sup> The head of the qualified entity seeking to employ the individual, in this case the independent sanctioning authority,<sup>9</sup> may grant the exemption from disqualification if all court ordered fees, fines, liens, applications, costs of prosecution, trusts, or restitution have been paid, and either:<sup>10</sup>

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

Certain criminal backgrounds render a person ineligible for an exemption; a person who is considered a sexual predator,<sup>11</sup> career offender,<sup>12</sup> or registered sexual offender<sup>13</sup> is not eligible for exemption.<sup>14</sup>

### Care Provider Background Screening Clearinghouse

The Care Provider Background Screening Clearinghouse (Clearinghouse) is a single statewide screening program, administered by the Agency for Health Care Administration (AHCA), which allows for results of criminal history checks of persons acting as covered care providers to be shared among specified agencies.<sup>15</sup> The Clearinghouse allows for constant review of new criminal history information through the federal Rap Back Service,<sup>16</sup> which continually matches fingerprints against new arrests or convictions that occur after the individual was originally screened. Once a person's screening record is in the Clearinghouse, that person may avoid the need for any future state screens and related fees for screenings, depending on the screening agencies or organizations.<sup>17</sup>

The Clearinghouse is authorized to share background screening results with specified agencies and qualified entities that are conducting state and national criminal history background screening on persons who work with children or persons who are elderly or disabled. The specified agencies currently outlined in law include:<sup>18</sup>

- AHCA;

<sup>8</sup> S. [435.07\(3\), F.S.](#)

<sup>9</sup> See, s. [943.0438\(1\)\(b\), F.S.](#)

<sup>10</sup> S. [435.07, F.S.](#)

<sup>11</sup> S. [775.21, F.S.](#)

<sup>12</sup> S. [775.261, F.S.](#)

<sup>13</sup> S. [943.0435, F.S.](#)

<sup>14</sup> S. [435.07\(4\)\(b\), F.S.](#)

<sup>15</sup> S. [435.02, F.S.](#)

<sup>16</sup> The Rap Back Service is managed by the FBI's Criminal Justice Information Services Division. For more information, see the Federal Bureau of Investigation, Privacy Impact Assessment for the Next Generation Identification (NGI) Rap Back Service. Available at <https://www.fbi.gov/file-repository/pia-ngi-rap-back-service.pdf/view> (last visited February 26, 2025).

<sup>17</sup> Agency for Health Care Administration, *Clearinghouse Renewals*. Available at [https://ahca.myflorida.com/MCHQ/Central\\_Services/Background\\_Screening/Renewals.shtml](https://ahca.myflorida.com/MCHQ/Central_Services/Background_Screening/Renewals.shtml) (last visited February 26, 2025). Fingerprints are retained for five years. Employers have an option to renew screenings at the end of the five-year period through a "Clearinghouse Renewal" process which allows employee's fingerprints to be retained without being re-fingerprinted.

<sup>18</sup> S. [435.02, F.S.](#)

- Department of Health;
- 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 providers.

Beginning no earlier than January 1, 2026, the Clearinghouse may share results of criminal history checks with other entities participating in the Clearinghouse, referred to as “qualified entities”.<sup>19</sup> These are businesses or organizations which provide care or care placement services for children or vulnerable adults, such as a youth athletics teams under an independent sanctioning authority.<sup>20</sup> A qualified entity participating in the Clearinghouse must register and maintain the employment or affiliation status of all persons included in the Clearinghouse.<sup>21</sup>

**RECENT LEGISLATION:**

YEAR	BILL #	HOUSE SPONSOR(S)	SENATE SPONSOR	OTHER INFORMATION
2024	<a href="#">CS/CS/HB 975</a>	Trabulsy, Bell, Campbell	Rouson	Took effect on July 1, 2024.
2023	<a href="#">CS/SB 676</a>	Trabulsy	Grall	Took effect on July 1, 2024.

**BILL HISTORY**

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
<a href="#">Health Care Facilities &amp; Systems Subcommittee</a>	17 Y, 0 N	3/4/2025	Calamas	Osborne
<a href="#">Criminal Justice Subcommittee</a>				
<a href="#">Health &amp; Human Services Committee</a>				

<sup>19</sup> S. [435.12\(1\), F.S.](#)

<sup>20</sup> S. [943.0542\(1\), F.S.](#)

<sup>21</sup> S. [435.12\(2\), F.S.](#)