

1 A bill to be entitled
2 An act relating to background screenings; amending s.
3 943.0438, F.S.; revising the definition of the term
4 "athletic coach"; defining the term "team based in
5 this state"; providing that an independent sanctioning
6 authority is deemed to be a qualified entity for the
7 purpose of participating in the Care Provider
8 Background Screening Clearinghouse; authorizing an
9 independent sanctioning authority to allow certain
10 persons to act as athletic coaches and referees
11 without passing certain background screening
12 qualifications under certain circumstances; amending
13 s. 943.0542, F.S.; requiring qualified entities to
14 designate a user administrator for a specified
15 purpose; revising requirements for the Care Provider
16 Background Screening Clearinghouse to release
17 specified records to a qualified entity; amending ss.
18 943.0585 and 943.059, F.S.; prohibiting certain
19 persons from denying or failing to acknowledge certain
20 criminal history records that have been expunged or
21 sealed; requiring the Department of Law Enforcement to
22 disclose sealed criminal history records under
23 specified circumstances; reenacting ss. 943.053(3)(c),
24 943.0578(4), and 943.0582(2)(b), F.S., relating to
25 dissemination of criminal justice information, lawful

26 self-defense expunction, and diversion program
 27 expunction, respectively, to incorporate the
 28 amendments made to ss. 943.0585 and 943.059, F.S., in
 29 references thereto; providing an effective date.

30

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

32

33 Section 1. Paragraphs (c) through (g) of subsection (2) of
 34 section 943.0438, Florida Statutes, are redesignated as
 35 paragraphs (b) through (f), respectively, and paragraph (a) of
 36 subsection (1) and paragraph (a) and present paragraph (b) of
 37 subsection (2) are amended, and paragraph (c) is added to
 38 subsection (1) of that section, to read:

39 943.0438 Athletic coaches for independent sanctioning
 40 authorities.—

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

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

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

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

50 (c) "Team based in this state" means a group of players

51 which is assembled in this state to form one side in a
52 competitive game or sport and which primarily practices and
53 competes in this state.

54 (2) An independent sanctioning authority shall:

55 (a) Effective July 1, 2026:⁷

56 1. Be considered a qualified entity for purposes of
57 participating in the Care Provider Background Screening
58 Clearinghouse under s. 435.12.

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

65 ~~(b)1. Before January 1, 2026, or a later date as~~
66 ~~determined by the Agency for Health Care Administration for the~~
67 ~~participation of qualified entities in the Care Provider~~
68 ~~Background Screening Clearinghouse under s. 435.12, disqualify~~
69 ~~any person from acting as an athletic coach as provided in s.~~
70 ~~435.04. The authority may allow a person disqualified under this~~
71 ~~subparagraph to act as an athletic coach if it determines that~~
72 ~~the person meets the requirements for an exemption from~~
73 ~~disqualification under s. 435.07.~~

74 ~~3.2. On or after January 1, 2026, or a later date as~~
75 ~~determined by the Agency for Health Care Administration, Not~~

76 allow any person to act as an athletic coach if he or she does
 77 not pass the background screening qualifications in s. 435.04.
 78 The authority may:

79 a. Allow a person disqualified under this subparagraph to
 80 act as an athletic coach if the person has successfully
 81 completed the exemption from the disqualification process under
 82 s. 435.07.

83 b. Exempt a person under 18 years of age or a referee
 84 disqualified under this subparagraph from the background
 85 screening requirement if the person passes a Level 1 background
 86 screening pursuant to s. 435.03 and is under the direct
 87 supervision of an athletic coach who meets the background
 88 screening requirements of this subsection. For purposes of this
 89 subparagraph, the Level 1 background screening must include a
 90 search of the person's name or other identifying information
 91 against state and federal registries of sexual predators and
 92 sexual offenders, which are available to the public on Internet
 93 websites provided by the Department of Law Enforcement under s.
 94 943.043, and the Attorney General of the United States under 42
 95 U.S.C. s. 16920.

96 (c) ~~(d)~~ Maintain for at least 5 years documentation of:
 97 1. The results for each person screened under paragraph
 98 (a); and
 99 2. The written notice of disqualification provided to each
 100 person under paragraph (b) ~~(e)~~.

101 Section 2. Paragraph (a) of subsection (2) and subsection
102 (3) of section 943.0542, Florida Statutes, are amended to read:
103 943.0542 Access to criminal history information provided
104 by the department to qualified entities.—

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

107 1. Register with the department before submitting a
108 request for screening under this section. Each such request must
109 be voluntary and conform to the requirements established in the
110 National Child Protection Act of 1993, as amended. As a part of
111 the registration, the qualified entity must agree to comply with
112 state and federal law and must so indicate by signing an
113 agreement approved by the department. The qualified entity shall
114 designate a user administrator to act as the primary point of
115 contact and to manage compliance with state and federal laws
116 regarding the security and privacy of criminal history
117 information. The qualified entity may designate additional
118 authorized users with delegated authority to manage or access
119 the system for the purpose of requesting and reviewing
120 background screening information pursuant to this section. The
121 department shall periodically audit qualified entities to ensure
122 compliance with federal law and this section.

123 2. Before January 1, 2026, or a later date as determined
124 by the Agency for Health Care Administration, submit to the
125 department, and effective January 1, 2026, or a later date as

126 determined by the Agency for Health Care Administration, submit
127 to the agency a request for screening an employee or volunteer
128 or person applying to be an employee or volunteer by submitting
129 fingerprints, or the request may be submitted electronically.
130 The qualified entity must maintain a signed waiver allowing the
131 release of the state and national criminal history record
132 information to the qualified entity.

133 (3) Through December 31, 2025, or a later date as
134 determined by the Agency for Health Care Administration, the
135 department shall provide directly to the qualified entity the
136 state criminal history records that are not exempt from
137 disclosure under chapter 119 or otherwise confidential under
138 law. A person who is the subject of a state criminal history
139 record may challenge the record only as provided in s. 943.056.
140 Effective January 1, 2026, or a later date as determined by the
141 Agency for Health Care Administration, the Care Provider
142 Background Screening Clearinghouse may provide such records to
143 the qualified entity only if the person challenges the record as
144 provided in this subsection or if the qualified entity is an
145 independent sanctioning authority that is compliant with the
146 Federal Protecting Young Victims from Sexual Abuse and Safe
147 Sport Authorization Act of 2017.

148 Section 3. Paragraphs (b) and (d) of subsection (6) of
149 section 943.0585, Florida Statutes, are amended to read:

150 943.0585 Court-ordered expunction of criminal history

151 records.—

152 (6) EFFECT OF EXPUNCTION ORDER.—

153 (b) The person who is the subject of a criminal history
154 record that is expunged under this section or under other
155 provisions of law, including former ss. 893.14, 901.33, and
156 943.058, may lawfully deny or fail to acknowledge the arrests
157 covered by the expunged record, except when the subject of the
158 record:

159 1. Is a candidate for employment with a criminal justice
160 agency;

161 2. Is a defendant in a criminal prosecution;

162 3. Concurrently or subsequently petitions for relief under
163 this section, s. 943.0583, or s. 943.059;

164 4. Is a candidate for admission to The Florida Bar;

165 5. Is seeking to be employed or licensed by or to contract
166 with the Department of Children and Families, the Division of
167 Vocational Rehabilitation within the Department of Education,
168 the Agency for Health Care Administration, the Agency for
169 Persons with Disabilities, the Department of Health, the
170 Department of Elderly Affairs, or the Department of Juvenile
171 Justice or to be employed or used by such contractor or licensee
172 in a sensitive position having direct contact with children, the
173 disabled, or the elderly;

174 6.a. Is seeking to be employed or licensed by, or contract
175 with, the Department of Education, any district unit under s.

176 1001.30, any special district unit under s. 1011.24, the Florida
177 School for the Deaf and the Blind under s. 1002.36, the Florida
178 Virtual School under s. 1002.37, any virtual instruction program
179 under s. 1002.45, any charter school under s. 1002.33, any hope
180 operator under s. 1002.333, any alternative school under s.
181 1008.341, any private or parochial school, or any local
182 governmental entity that licenses child care facilities;

183 b. Is seeking to be employed or used by a contractor or
184 licensee under sub-subparagraph a.; or

185 c. Is a person screened under s. 1012.467;

186 7. Is seeking to be licensed by the Division of Insurance
187 Agent and Agency Services within the Department of Financial
188 Services; ~~or~~

189 8. Is seeking to be appointed as a guardian pursuant to s.
190 744.3125; or

191 9. Is a person screened through the Care Provider
192 Background Screening Clearinghouse by a qualified entity
193 pursuant to s. 435.12.

194 (d) Information relating to the existence of an expunged
195 criminal history record which is provided in accordance with
196 paragraph (a) is confidential and exempt from s. 119.07(1) and
197 s. 24(a), Art. I of the State Constitution, except that the
198 department shall disclose the existence of a criminal history
199 record ordered expunged to the entities set forth in
200 subparagraphs (b)1. and 4.-9. ~~4.-8.~~ for their respective

201 licensing, access authorization, and employment purposes and to
202 criminal justice agencies for their respective criminal justice
203 purposes. It is unlawful for any employee of an entity set forth
204 in subparagraph (b)1., subparagraph (b)4., subparagraph (b)5.,
205 subparagraph (b)6., subparagraph (b)7., ~~or~~ subparagraph (b)8.,
206 or subparagraph (b)9. to disclose information relating to the
207 existence of an expunged criminal history record of a person
208 seeking employment, access authorization, or licensure with such
209 entity or contractor, except to the person to whom the criminal
210 history record relates or to persons having direct
211 responsibility for employment, access authorization, or
212 licensure decisions. A person who violates this paragraph
213 commits a misdemeanor of the first degree, punishable as
214 provided in s. 775.082 or s. 775.083.

215 Section 4. Paragraphs (b) and (d) of subsection (6) of
216 section 943.059, Florida Statutes, are amended to read:

217 943.059 Court-ordered sealing of criminal history
218 records.—

219 (6) EFFECT OF ORDER.—

220 (b) The subject of the criminal history record sealed
221 under this section or under other provisions of law, including
222 former ss. 893.14, 901.33, and 943.058, may lawfully deny or
223 fail to acknowledge the arrests covered by the sealed record,
224 except when the subject of the record:

225 1. Is a candidate for employment with a criminal justice

226 agency;

227 2. Is a defendant in a criminal prosecution;

228 3. Concurrently or subsequently petitions for relief under
 229 this section, s. 943.0583, or s. 943.0585;

230 4. Is a candidate for admission to The Florida Bar;

231 5. Is seeking to be employed or licensed by or to contract
 232 with the Department of Children and Families, the Division of
 233 Vocational Rehabilitation within the Department of Education,
 234 the Agency for Health Care Administration, the Agency for
 235 Persons with Disabilities, the Department of Health, the
 236 Department of Elderly Affairs, or the Department of Juvenile
 237 Justice or to be employed or used by such contractor or licensee
 238 in a sensitive position having direct contact with children, the
 239 disabled, or the elderly;

240 6.a. Is seeking to be employed or licensed by, or contract
 241 with, the Department of Education, a district unit under s.
 242 1001.30, a special district unit under s. 1011.24, the Florida
 243 School for the Deaf and the Blind under s. 1002.36, the Florida
 244 Virtual School under s. 1002.37, a virtual instruction program
 245 under s. 1002.45, a charter school under s. 1002.33, a hope
 246 operator under s. 1002.333, an alternative school under s.
 247 1008.341, a private or parochial school, or a local governmental
 248 entity that licenses child care facilities;

249 b. Is seeking to be employed or used by a contractor or
 250 licensee under sub-subparagraph a.; or

251 c. Is a person screened under s. 1012.467;

252 7. Is attempting to purchase a firearm from a licensed

253 importer, licensed manufacturer, or licensed dealer and is

254 subject to a criminal history check under state or federal law;

255 8. Is seeking to be licensed by the Division of Insurance

256 Agent and Agency Services within the Department of Financial

257 Services;

258 9. Is seeking to be appointed as a guardian pursuant to s.

259 744.3125; ~~or~~

260 10. Is seeking to be licensed by the Bureau of License

261 Issuance of the Division of Licensing within the Department of

262 Agriculture and Consumer Services to carry a concealed weapon or

263 concealed firearm. This subparagraph applies only in the

264 determination of an applicant's eligibility under s. 790.06; or

265 11. Is a person screened through the Care Provider

266 Background Screening Clearinghouse by a qualified entity

267 pursuant to s. 435.12.

268 (d) Information relating to the existence of a sealed

269 criminal history record provided in accordance with paragraph

270 (b) is confidential and exempt from s. 119.07(1) and s. 24(a),

271 Art. I of the State Constitution, except that the department

272 shall disclose the sealed criminal history record to the

273 entities set forth in subparagraphs (b)1., 4.-6., and 8.-11. ~~8.-~~

274 ~~10.~~ for their respective licensing, access authorization, and

275 employment purposes. An employee of an entity set forth in

276 | subparagraph (b)1., subparagraph (b)4., subparagraph (b)5.,
 277 | subparagraph (b)6., subparagraph (b)8., subparagraph (b)9., ~~or~~
 278 | subparagraph (b)10., or subparagraph (b)11. may not disclose
 279 | information relating to the existence of a sealed criminal
 280 | history record of a person seeking employment, access
 281 | authorization, or licensure with such entity or contractor,
 282 | except to the person to whom the criminal history record relates
 283 | or to persons having direct responsibility for employment,
 284 | access authorization, or licensure decisions. A person who
 285 | violates this paragraph commits a misdemeanor of the first
 286 | degree, punishable as provided in s. 775.082 or s. 775.083.

287 | Section 5. For the purpose of incorporating the amendments
 288 | made by this act to sections 943.0585 and 943.059, Florida
 289 | Statutes, in references thereto, paragraph (c) of subsection (3)
 290 | of section 943.053, Florida Statutes, is reenacted to read:

291 | 943.053 Dissemination of criminal justice information;
 292 | fees.—

293 | (3)

294 | (c)1. Criminal history information relating to juveniles,
 295 | including criminal history information consisting in whole or in
 296 | part of information that is confidential and exempt under
 297 | paragraph (b), shall be available to:

298 | a. A criminal justice agency for criminal justice purposes
 299 | on a priority basis and free of charge;

300 | b. The person to whom the record relates, or his or her

301 attorney;

302 c. The parent, guardian, or legal custodian of the person
303 to whom the record relates, provided such person has not reached
304 the age of majority, been emancipated by a court, or been
305 legally married; or

306 d. An agency or entity specified in s. 943.0585(6) or s.
307 943.059(6), for the purposes specified therein, and to any
308 person within such agency or entity who has direct
309 responsibility for employment, access authorization, or
310 licensure decisions.

311 2. After providing the program with all known personal
312 identifying information, the criminal history information
313 relating to a juvenile which is not confidential and exempt
314 under this subsection may be released to the private sector and
315 noncriminal justice agencies not specified in s. 943.0585(6) or
316 s. 943.059(6) in the same manner as provided in paragraph (a).
317 Criminal history information relating to a juvenile which is not
318 confidential and exempt under this subsection is the entire
319 criminal history information relating to a juvenile who
320 satisfies any of the criteria listed in subparagraphs (b)1.-4.,
321 except for any portion of such juvenile's criminal history
322 record which has been expunged or sealed under any law
323 applicable to such record.

324 3. All criminal history information relating to juveniles,
325 other than that provided to criminal justice agencies for

326 criminal justice purposes, shall be provided upon tender of fees
 327 as established in this subsection and in the manner prescribed
 328 by rule of the Department of Law Enforcement.

329 Section 6. For the purpose of incorporating the amendments
 330 made by this act to section 943.0585, Florida Statutes, in a
 331 reference thereto, subsection (4) of section 943.0578, Florida
 332 Statutes, is reenacted to read:

333 943.0578 Lawful self-defense expunction.—

334 (4) Section 943.0585(5) and (6) apply to an expunction
 335 ordered under this section.

336 Section 7. For the purpose of incorporating the amendment
 337 made by this act to section 943.0585, Florida Statutes, in a
 338 reference thereto, paragraph (b) of subsection (2) of section
 339 943.0582, Florida Statutes, is reenacted to read:

340 943.0582 Diversion program expunction.—

341 (2) As used in this section, the term:

342 (b) "Expunction" has the same meaning ascribed in and
 343 effect as s. 943.0585, except that:

344 1. Section 943.0585(6) (b) does not apply, except that the
 345 criminal history record of a person whose record is expunged
 346 pursuant to this section shall be made available only to
 347 criminal justice agencies for the purpose of:

- 348 a. Determining eligibility for diversion programs;
- 349 b. A criminal investigation; or
- 350 c. Making a prosecutorial decision under s. 985.15.

351 2. Records maintained by local criminal justice agencies
352 in the county in which the arrest occurred that are eligible for
353 expunction pursuant to this section shall be sealed as the term
354 is used in s. 943.059.

355 Section 8. This act shall take effect July 1, 2026.