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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/03/2026	.	
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The Committee on Fiscal Policy (Grall) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

Section 1. Present paragraphs (c) through (g) of subsection (2) of section 943.0438, Florida Statutes, are redesignated as paragraphs (b) through (f), respectively, paragraph (c) is added to subsection (1) of that section, and paragraph (a) of subsection (1) and paragraph (a) and present paragraphs (b) and (d) of subsection (2) of that section are amended, to read:



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11 943.0438 Athletic coaches for independent sanctioning  
12 authorities.—

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

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

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

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

22 (c) "Team based in this state" means a group of players  
23 which is assembled in this state to form one side in a  
24 competitive game or sport and which primarily practices and  
25 competes in this state.

26 (2) An independent sanctioning authority shall:

27 (a) Effective July 1, 2026:<sup>7</sup>

28 1. Be considered a qualified entity for purposes of  
29 participating in the Care Provider Background Screening  
30 Clearinghouse under s. 435.12.

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

37 ~~(b)1. Before January 1, 2026, or a later date as determined~~  
38 ~~by the Agency for Health Care Administration for the~~  
39 ~~participation of qualified entities in the Care Provider~~



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40 ~~Background Screening Clearinghouse under s. 435.12, disqualify~~  
41 ~~any person from acting as an athletic coach as provided in s.~~  
42 ~~435.04. The authority may allow a person disqualified under this~~  
43 ~~subparagraph to act as an athletic coach if it determines that~~  
44 ~~the person meets the requirements for an exemption from~~  
45 ~~disqualification under s. 435.07.~~

46 ~~3.2. On or after January 1, 2026, or a later date as~~  
47 ~~determined by the Agency for Health Care Administration, Not~~  
48 allow any person to act as an athletic coach if he or she does  
49 not pass the background screening qualifications in s. 435.04.  
50 The authority may:

51 a. Allow a person disqualified under this subparagraph to  
52 act as an athletic coach if the person has successfully  
53 completed the exemption from the disqualification process under  
54 s. 435.07.

55 b. Exempt a person younger than 18 years of age or a  
56 referee disqualified under this subparagraph from the background  
57 screening requirement if the person passes a level 1 background  
58 screening pursuant to s. 435.03 and is under the direct  
59 supervision of an athletic coach who meets the background  
60 screening requirements of this subsection. For purposes of this  
61 subparagraph, the level 1 background screening must include a  
62 search of the person's name or other identifying information  
63 against state and federal registries of sexual predators and  
64 sexual offenders, which are available to the public on the  
65 websites provided by the Department of Law Enforcement under s.  
66 943.043 and the Attorney General of the United States under 42  
67 U.S.C. s. 16920.

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



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69           1. The results for each person screened under paragraph  
70 (a); and

71           2. The written notice of disqualification provided to each  
72 person under paragraph (b) ~~(e)~~.

73           Section 2. Paragraph (a) of subsection (2) and subsection  
74 (3) of section 943.0542, Florida Statutes, are amended to read:

75           943.0542 Access to criminal history information provided by  
76 the department to qualified entities.—

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

79           1. Register with the department before submitting a request  
80 for screening under this section. Each such request must be  
81 voluntary and conform to the requirements established in the  
82 National Child Protection Act of 1993, as amended. As a part of  
83 the registration, the qualified entity must agree to comply with  
84 state and federal law and must so indicate by signing an  
85 agreement approved by the department. The qualified entity shall  
86 designate a user administrator to act as the primary point of  
87 contact and to manage compliance with state and federal laws  
88 regarding the security and privacy of criminal history  
89 information. The qualified entity may designate additional  
90 authorized users with delegated authority to manage or access  
91 the system for the purpose of requesting and reviewing  
92 background screening information pursuant to this section. The  
93 department shall periodically audit qualified entities to ensure  
94 compliance with federal law and this section.

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



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98 determined by the Agency for Health Care Administration, submit  
99 to the agency a request for screening an employee or volunteer  
100 or person applying to be an employee or volunteer by submitting  
101 fingerprints, or the request may be submitted electronically.  
102 The qualified entity must maintain a signed waiver allowing the  
103 release of the state and national criminal history record  
104 information to the qualified entity.

105 (3) Through December 31, 2025, or a later date as  
106 determined by the Agency for Health Care Administration, the  
107 department shall provide directly to the qualified entity the  
108 state criminal history records that are not exempt from  
109 disclosure under chapter 119 or otherwise confidential under  
110 law. A person who is the subject of a state criminal history  
111 record may challenge the record only as provided in s. 943.056.  
112 Effective January 1, 2026, or a later date as determined by the  
113 Agency for Health Care Administration, the Care Provider  
114 Background Screening Clearinghouse may provide such records to  
115 the qualified entity only if the person challenges the record as  
116 provided in this subsection or if the qualified entity is an  
117 independent sanctioning authority that is compliant with the  
118 Federal Protecting Young Victims from Sexual Abuse and Safe  
119 Sport Authorization Act of 2017.

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

122 943.0585 Court-ordered expunction of criminal history  
123 records.—

124 (6) EFFECT OF EXPUNCTION ORDER.—

125 (b) The person who is the subject of a criminal history  
126 record that is expunged under this section or under other



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127 provisions of law, including former ss. 893.14, 901.33, and  
128 943.058, may lawfully deny or fail to acknowledge the arrests  
129 covered by the expunged record, except when the subject of the  
130 record:

131 1. Is a candidate for employment with a criminal justice  
132 agency;

133 2. Is a defendant in a criminal prosecution;

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

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

137 5. Is seeking to be employed or licensed by or to contract  
138 with the Department of Children and Families, the Division of  
139 Vocational Rehabilitation within the Department of Education,  
140 the Agency for Health Care Administration, the Agency for  
141 Persons with Disabilities, the Department of Health, the  
142 Department of Elderly Affairs, or the Department of Juvenile  
143 Justice or to be employed or used by such contractor or licensee  
144 in a sensitive position having direct contact with children, the  
145 disabled, or the elderly;

146 6.a. Is seeking to be employed or licensed by, or contract  
147 with, the Department of Education, any district unit under s.  
148 1001.30, any special district unit under s. 1011.24, the Florida  
149 School for the Deaf and the Blind under s. 1002.36, the Florida  
150 Virtual School under s. 1002.37, any virtual instruction program  
151 under s. 1002.45, any charter school under s. 1002.33, any hope  
152 operator under s. 1002.333, any alternative school under s.  
153 1008.341, any private or parochial school, or any local  
154 governmental entity that licenses child care facilities;

155 b. Is seeking to be employed or used by a contractor or



156 licensee under sub-subparagraph a.; or  
157 c. Is a person screened under s. 1012.467;  
158 7. Is seeking to be licensed by the Division of Insurance  
159 Agent and Agency Services within the Department of Financial  
160 Services; ~~or~~  
161 8. Is seeking to be appointed as a guardian pursuant to s.  
162 744.3125; or  
163 9. Is a person screened through the Care Provider  
164 Background Screening Clearinghouse by a qualified entity  
165 pursuant to s. 435.12.  
166 (d) Information relating to the existence of an expunged  
167 criminal history record which is provided in accordance with  
168 paragraph (a) is confidential and exempt from s. 119.07(1) and  
169 s. 24(a), Art. I of the State Constitution, except that the  
170 department shall disclose the existence of a criminal history  
171 record ordered expunged to the entities set forth in  
172 subparagraphs (b)1. and 4.-9. ~~4.-8.~~ for their respective  
173 licensing, access authorization, and employment purposes and to  
174 criminal justice agencies for their respective criminal justice  
175 purposes. It is unlawful for any employee of an entity set forth  
176 in subparagraph (b)1., subparagraph (b)4., subparagraph (b)5.,  
177 subparagraph (b)6., subparagraph (b)7., ~~or~~ subparagraph (b)8.,  
178 or subparagraph (b)9. to disclose information relating to the  
179 existence of an expunged criminal history record of a person  
180 seeking employment, access authorization, or licensure with such  
181 entity or contractor, except to the person to whom the criminal  
182 history record relates or to persons having direct  
183 responsibility for employment, access authorization, or  
184 licensure decisions. A person who violates this paragraph



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185 commits a misdemeanor of the first degree, punishable as  
186 provided in s. 775.082 or s. 775.083.

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

189 943.059 Court-ordered sealing of criminal history records.—

190 (6) EFFECT OF ORDER.—

191 (b) The subject of the criminal history record sealed under  
192 this section or under other provisions of law, including former  
193 ss. 893.14, 901.33, and 943.058, may lawfully deny or fail to  
194 acknowledge the arrests covered by the sealed record, except  
195 when the subject of the record:

196 1. Is a candidate for employment with a criminal justice  
197 agency;

198 2. Is a defendant in a criminal prosecution;

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

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

202 5. Is seeking to be employed or licensed by or to contract  
203 with the Department of Children and Families, the Division of  
204 Vocational Rehabilitation within the Department of Education,  
205 the Agency for Health Care Administration, the Agency for  
206 Persons with Disabilities, the Department of Health, the  
207 Department of Elderly Affairs, or the Department of Juvenile  
208 Justice or to be employed or used by such contractor or licensee  
209 in a sensitive position having direct contact with children, the  
210 disabled, or the elderly;

211 6.a. Is seeking to be employed or licensed by, or contract  
212 with, the Department of Education, a district unit under s.  
213 1001.30, a special district unit under s. 1011.24, the Florida



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214 School for the Deaf and the Blind under s. 1002.36, the Florida  
215 Virtual School under s. 1002.37, a virtual instruction program  
216 under s. 1002.45, a charter school under s. 1002.33, a hope  
217 operator under s. 1002.333, an alternative school under s.  
218 1008.341, a private or parochial school, or a local governmental  
219 entity that licenses child care facilities;

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

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

223 7. Is attempting to purchase a firearm from a licensed  
224 importer, licensed manufacturer, or licensed dealer and is  
225 subject to a criminal history check under state or federal law;

226 8. Is seeking to be licensed by the Division of Insurance  
227 Agent and Agency Services within the Department of Financial  
228 Services;

229 9. Is seeking to be appointed as a guardian pursuant to s.  
230 744.3125; ~~or~~

231 10. Is seeking to be licensed by the Bureau of License  
232 Issuance of the Division of Licensing within the Department of  
233 Agriculture and Consumer Services to carry a concealed weapon or  
234 concealed firearm. This subparagraph applies only in the  
235 determination of an applicant's eligibility under s. 790.06; or

236 11. Is a person screened through the Care Provider  
237 Background Screening Clearinghouse by a qualified entity  
238 pursuant to s. 435.12.

239 (d) Information relating to the existence of a sealed  
240 criminal history record provided in accordance with paragraph  
241 (b) is confidential and exempt from s. 119.07(1) and s. 24(a),  
242 Art. I of the State Constitution, except that the department



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243 shall disclose the sealed criminal history record to the  
244 entities set forth in subparagraphs (b)1., 4.-6., and 8.-11. ~~8.-~~  
245 ~~10.~~ for their respective licensing, access authorization, and  
246 employment purposes. An employee of an entity set forth in  
247 subparagraph (b)1., subparagraph (b)4., subparagraph (b)5.,  
248 subparagraph (b)6., subparagraph (b)8., subparagraph (b)9., ~~or~~  
249 subparagraph (b)10., or subparagraph (b)11. may not disclose  
250 information relating to the existence of a sealed criminal  
251 history record of a person seeking employment, access  
252 authorization, or licensure with such entity or contractor,  
253 except to the person to whom the criminal history record relates  
254 or to persons having direct responsibility for employment,  
255 access authorization, or licensure decisions. A person who  
256 violates this paragraph commits a misdemeanor of the first  
257 degree, punishable as provided in s. 775.082 or s. 775.083.

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

262 943.053 Dissemination of criminal justice information;  
263 fees.—

264 (3)

265 (c)1. Criminal history information relating to juveniles,  
266 including criminal history information consisting in whole or in  
267 part of information that is confidential and exempt under  
268 paragraph (b), shall be available to:

269 a. A criminal justice agency for criminal justice purposes  
270 on a priority basis and free of charge;

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



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272 attorney;

273 c. The parent, guardian, or legal custodian of the person  
274 to whom the record relates, provided such person has not reached  
275 the age of majority, been emancipated by a court, or been  
276 legally married; or

277 d. An agency or entity specified in s. 943.0585(6) or s.  
278 943.059(6), for the purposes specified therein, and to any  
279 person within such agency or entity who has direct  
280 responsibility for employment, access authorization, or  
281 licensure decisions.

282 2. After providing the program with all known personal  
283 identifying information, the criminal history information  
284 relating to a juvenile which is not confidential and exempt  
285 under this subsection may be released to the private sector and  
286 noncriminal justice agencies not specified in s. 943.0585(6) or  
287 s. 943.059(6) in the same manner as provided in paragraph (a).  
288 Criminal history information relating to a juvenile which is not  
289 confidential and exempt under this subsection is the entire  
290 criminal history information relating to a juvenile who  
291 satisfies any of the criteria listed in subparagraphs (b)1.-4.,  
292 except for any portion of such juvenile's criminal history  
293 record which has been expunged or sealed under any law  
294 applicable to such record.

295 3. All criminal history information relating to juveniles,  
296 other than that provided to criminal justice agencies for  
297 criminal justice purposes, shall be provided upon tender of fees  
298 as established in this subsection and in the manner prescribed  
299 by rule of the Department of Law Enforcement.

300 Section 6. For the purpose of incorporating the amendments



301 made by this act to section 943.0585, Florida Statutes, in a  
302 reference thereto, subsection (4) of section 943.0578, Florida  
303 Statutes, is reenacted to read:

304 943.0578 Lawful self-defense expunction.—

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

307 Section 7. For the purpose of incorporating the amendment  
308 made by this act to section 943.0585, Florida Statutes, in a  
309 reference thereto, paragraph (b) of subsection (2) of section  
310 943.0582, Florida Statutes, is reenacted to read:

311 943.0582 Diversion program expunction.—

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

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

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

319 a. Determining eligibility for diversion programs;

320 b. A criminal investigation; or

321 c. Making a prosecutorial decision under s. 985.15.

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

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

327  
328 ===== T I T L E A M E N D M E N T =====

329 And the title is amended as follows:



330 Delete everything before the enacting clause  
331 and insert:

332 A bill to be entitled  
333 An act relating to background screenings; amending s.  
334 943.0438, F.S.; revising the definition of the term  
335 "athletic coach"; defining the term "team based in  
336 this state"; providing that, effective on a specified  
337 date, an independent sanctioning authority is deemed  
338 to be a qualified entity for the purpose of  
339 participating in the Care Provider Background  
340 Screening Clearinghouse; authorizing an independent  
341 sanctioning authority to allow certain persons to act  
342 as athletic coaches and referees without passing  
343 certain background screening qualifications under  
344 certain circumstances; amending s. 943.0542, F.S.;  
345 requiring qualified entities to designate a user  
346 administrator for a specified purpose; authorizing  
347 such qualified entities to designate additional  
348 authorized users with certain delegated authority;  
349 revising requirements related to the release of  
350 specified records from the Care Provider Background  
351 Screening Clearinghouse to a qualified entity;  
352 amending ss. 943.0585 and 943.059, F.S.; prohibiting  
353 certain persons from denying or failing to acknowledge  
354 certain criminal history records that have been  
355 expunged or sealed; requiring the Department of Law  
356 Enforcement to disclose sealed criminal history  
357 records under specified circumstances; reenacting ss.  
358 943.053(3)(c), 943.0578(4), and 943.0582(2)(b), F.S.,



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359 relating to dissemination of criminal justice  
360 information, lawful self-defense expunction, and  
361 diversion program expunction, respectively, to  
362 incorporate the amendments made to ss. 943.0585 and  
363 943.059, F.S., in references thereto; providing an  
364 effective date.