

**By** the Committees on Fiscal Policy; and Health Policy; and  
Senator Grall

594-03333-26

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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, effective on a specified  
6       date, an independent sanctioning authority is deemed  
7       to be a qualified entity for the purpose of  
8       participating in the Care Provider Background  
9       Screening Clearinghouse; authorizing an independent  
10      sanctioning authority to allow certain persons to act  
11      as athletic coaches and referees without passing  
12      certain background screening qualifications under  
13      certain circumstances; amending s. 943.0542, F.S.;  
14      requiring qualified entities to designate a user  
15      administrator for a specified purpose; authorizing  
16      such qualified entities to designate additional  
17      authorized users with certain delegated authority;  
18      revising requirements related to the release of  
19      specified records from the Care Provider Background  
20      Screening Clearinghouse to a qualified entity;  
21      amending ss. 943.0585 and 943.059, F.S.; prohibiting  
22      certain persons from denying or failing to acknowledge  
23      certain criminal history records that have been  
24      expunged or sealed; requiring the Department of Law  
25      Enforcement to disclose sealed criminal history  
26      records under specified circumstances; reenacting ss.  
27      943.053(3)(c), 943.0578(4), and 943.0582(2)(b), F.S.,  
28      relating to dissemination of criminal justice  
29      information, lawful self-defense expunction, and

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30 diversion program expunction, respectively, to  
31 incorporate the amendments made to ss. 943.0585 and  
32 943.059, F.S., in references thereto; providing an  
33 effective date.

34  
35 Be It Enacted by the Legislature of the State of Florida:

36  
37 Section 1. Present paragraphs (c) through (g) of subsection  
38 (2) of section 943.0438, Florida Statutes, are redesignated as  
39 paragraphs (b) through (f), respectively, paragraph (c) is added  
40 to subsection (1) of that section, and paragraph (a) of  
41 subsection (1) and paragraph (a) and present paragraphs (b) and  
42 (d) of subsection (2) of that section are amended, to read:

43 943.0438 Athletic coaches for independent sanctioning  
44 authorities.—

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

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

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

52 2. Has direct contact with one or more minors on the youth  
53 athletic team.

54 (c) "Team based in this state" means a group of players  
55 which is assembled in this state to form one side in a  
56 competitive game or sport and which primarily practices and  
57 competes in this state.

58 (2) An independent sanctioning authority shall:

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59 (a) Effective July 1, 2026:7

60 1. Be considered a qualified entity for purposes of  
61 participating in the Care Provider Background Screening  
62 Clearinghouse under s. 435.12.

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

69 ~~(b)1. Before January 1, 2026, or a later date as determined~~  
70 ~~by the Agency for Health Care Administration for the~~  
71 ~~participation of qualified entities in the Care Provider~~  
72 ~~Background Screening Clearinghouse under s. 435.12, disqualify~~  
73 ~~any person from acting as an athletic coach as provided in s.~~  
74 ~~435.04. The authority may allow a person disqualified under this~~  
75 ~~subparagraph to act as an athletic coach if it determines that~~  
76 ~~the person meets the requirements for an exemption from~~  
77 ~~disqualification under s. 435.07.~~

78 ~~3.2. On or after January 1, 2026, or a later date as~~  
79 ~~determined by the Agency for Health Care Administration, Not~~  
80 ~~allow any person to act as an athletic coach if he or she does~~  
81 ~~not pass the background screening qualifications in s. 435.04.~~  
82 ~~The authority may:~~

83 a. Allow a person disqualified under this subparagraph to  
84 act as an athletic coach if the person has successfully  
85 completed the exemption from the disqualification process under  
86 s. 435.07.

87 b. Exempt a person younger than 18 years of age or a

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88 referee disqualified under this subparagraph from the background  
89 screening requirement if the person passes a level 1 background  
90 screening pursuant to s. 435.03 and is under the direct  
91 supervision of an athletic coach who meets the background  
92 screening requirements of this subsection. For purposes of this  
93 subparagraph, the level 1 background screening must include a  
94 search of the person's name or other identifying information  
95 against state and federal registries of sexual predators and  
96 sexual offenders, which are available to the public on the  
97 websites provided by the Department of Law Enforcement under s.  
98 943.043 and the Attorney General of the United States under 42  
99 U.S.C. s. 16920.

100 (c)~~(d)~~ Maintain for at least 5 years documentation of:

- 101 1. The results for each person screened under paragraph  
102 (a); and  
103 2. The written notice of disqualification provided to each  
104 person under paragraph (b) ~~(e)~~.

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

107 943.0542 Access to criminal history information provided by  
108 the department to qualified entities.-

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

- 111 1. Register with the department before submitting a request  
112 for screening under this section. Each such request must be  
113 voluntary and conform to the requirements established in the  
114 National Child Protection Act of 1993, as amended. As a part of  
115 the registration, the qualified entity must agree to comply with  
116 state and federal law and must so indicate by signing an

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117 agreement approved by the department. The qualified entity shall  
118 designate a user administrator to act as the primary point of  
119 contact and to manage compliance with state and federal laws  
120 regarding the security and privacy of criminal history  
121 information. The qualified entity may designate additional  
122 authorized users with delegated authority to manage or access  
123 the system for the purpose of requesting and reviewing  
124 background screening information pursuant to this section. The  
125 department shall periodically audit qualified entities to ensure  
126 compliance with federal law and this section.

127 2. Before January 1, 2026, or a later date as determined by  
128 the Agency for Health Care Administration, submit to the  
129 department, and effective January 1, 2026, or a later date as  
130 determined by the Agency for Health Care Administration, submit  
131 to the agency a request for screening an employee or volunteer  
132 or person applying to be an employee or volunteer by submitting  
133 fingerprints, or the request may be submitted electronically.  
134 The qualified entity must maintain a signed waiver allowing the  
135 release of the state and national criminal history record  
136 information to the qualified entity.

137 (3) Through December 31, 2025, or a later date as  
138 determined by the Agency for Health Care Administration, the  
139 department shall provide directly to the qualified entity the  
140 state criminal history records that are not exempt from  
141 disclosure under chapter 119 or otherwise confidential under  
142 law. A person who is the subject of a state criminal history  
143 record may challenge the record only as provided in s. 943.056.  
144 Effective January 1, 2026, or a later date as determined by the  
145 Agency for Health Care Administration, the Care Provider

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146 Background Screening Clearinghouse may provide such records to  
147 the qualified entity only if the person challenges the record as  
148 provided in this subsection or if the qualified entity is an  
149 independent sanctioning authority that is compliant with the  
150 Federal Protecting Young Victims from Sexual Abuse and Safe  
151 Sport Authorization Act of 2017.

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

154 943.0585 Court-ordered expunction of criminal history  
155 records.—

156 (6) EFFECT OF EXPUNCTION ORDER.—

157 (b) The person who is the subject of a criminal history  
158 record that is expunged under this section or under other  
159 provisions of law, including former ss. 893.14, 901.33, and  
160 943.058, may lawfully deny or fail to acknowledge the arrests  
161 covered by the expunged record, except when the subject of the  
162 record:

- 163 1. Is a candidate for employment with a criminal justice  
164 agency;
- 165 2. Is a defendant in a criminal prosecution;
- 166 3. Concurrently or subsequently petitions for relief under  
167 this section, s. 943.0583, or s. 943.059;
- 168 4. Is a candidate for admission to The Florida Bar;
- 169 5. Is seeking to be employed or licensed by or to contract  
170 with the Department of Children and Families, the Division of  
171 Vocational Rehabilitation within the Department of Education,  
172 the Agency for Health Care Administration, the Agency for  
173 Persons with Disabilities, the Department of Health, the  
174 Department of Elderly Affairs, or the Department of Juvenile

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175 Justice or to be employed or used by such contractor or licensee  
176 in a sensitive position having direct contact with children, the  
177 disabled, or the elderly;

178 6.a. Is seeking to be employed or licensed by, or contract  
179 with, the Department of Education, any district unit under s.  
180 1001.30, any special district unit under s. 1011.24, the Florida  
181 School for the Deaf and the Blind under s. 1002.36, the Florida  
182 Virtual School under s. 1002.37, any virtual instruction program  
183 under s. 1002.45, any charter school under s. 1002.33, any hope  
184 operator under s. 1002.333, any alternative school under s.  
185 1008.341, any private or parochial school, or any local  
186 governmental entity that licenses child care facilities;

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

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

190 7. Is seeking to be licensed by the Division of Insurance  
191 Agent and Agency Services within the Department of Financial  
192 Services; ~~or~~

193 8. Is seeking to be appointed as a guardian pursuant to s.  
194 744.3125; or

195 9. Is a person screened through the Care Provider  
196 Background Screening Clearinghouse by a qualified entity  
197 pursuant to s. 435.12.

198 (d) Information relating to the existence of an expunged  
199 criminal history record which is provided in accordance with  
200 paragraph (a) is confidential and exempt from s. 119.07(1) and  
201 s. 24(a), Art. I of the State Constitution, except that the  
202 department shall disclose the existence of a criminal history  
203 record ordered expunged to the entities set forth in

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

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

221 943.059 Court-ordered sealing of criminal history records.-

222 (6) EFFECT OF ORDER.-

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

228 1. Is a candidate for employment with a criminal justice  
229 agency;

230 2. Is a defendant in a criminal prosecution;

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

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- 233 4. Is a candidate for admission to The Florida Bar;
- 234 5. Is seeking to be employed or licensed by or to contract  
235 with the Department of Children and Families, the Division of  
236 Vocational Rehabilitation within the Department of Education,  
237 the Agency for Health Care Administration, the Agency for  
238 Persons with Disabilities, the Department of Health, the  
239 Department of Elderly Affairs, or the Department of Juvenile  
240 Justice or to be employed or used by such contractor or licensee  
241 in a sensitive position having direct contact with children, the  
242 disabled, or the elderly;
- 243 6.a. Is seeking to be employed or licensed by, or contract  
244 with, the Department of Education, a district unit under s.  
245 1001.30, a special district unit under s. 1011.24, the Florida  
246 School for the Deaf and the Blind under s. 1002.36, the Florida  
247 Virtual School under s. 1002.37, a virtual instruction program  
248 under s. 1002.45, a charter school under s. 1002.33, a hope  
249 operator under s. 1002.333, an alternative school under s.  
250 1008.341, a private or parochial school, or a local governmental  
251 entity that licenses child care facilities;
- 252 b. Is seeking to be employed or used by a contractor or  
253 licensee under sub-subparagraph a.; or
- 254 c. Is a person screened under s. 1012.467;
- 255 7. Is attempting to purchase a firearm from a licensed  
256 importer, licensed manufacturer, or licensed dealer and is  
257 subject to a criminal history check under state or federal law;
- 258 8. Is seeking to be licensed by the Division of Insurance  
259 Agent and Agency Services within the Department of Financial  
260 Services;
- 261 9. Is seeking to be appointed as a guardian pursuant to s.

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262 744.3125; ~~or~~

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

268 11. Is a person screened through the Care Provider  
269 Background Screening Clearinghouse by a qualified entity  
270 pursuant to s. 435.12.

271 (d) Information relating to the existence of a sealed  
272 criminal history record provided in accordance with paragraph  
273 (b) is confidential and exempt from s. 119.07(1) and s. 24(a),  
274 Art. I of the State Constitution, except that the department  
275 shall disclose the sealed criminal history record to the  
276 entities set forth in subparagraphs (b)1., 4.-6., and 8.-11. ~~8.-~~  
277 ~~10.~~ for their respective licensing, access authorization, and  
278 employment purposes. An employee of an entity set forth in  
279 subparagraph (b)1., subparagraph (b)4., subparagraph (b)5.,  
280 subparagraph (b)6., subparagraph (b)8., subparagraph (b)9., ~~or~~  
281 subparagraph (b)10., or subparagraph (b)11. may not disclose  
282 information relating to the existence of a sealed criminal  
283 history record of a person seeking employment, access  
284 authorization, or licensure with such entity or contractor,  
285 except to the person to whom the criminal history record relates  
286 or to persons having direct responsibility for employment,  
287 access authorization, or licensure decisions. A person who  
288 violates this paragraph commits a misdemeanor of the first  
289 degree, punishable as provided in s. 775.082 or s. 775.083.

290 Section 5. For the purpose of incorporating the amendments

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291 made by this act to sections 943.0585 and 943.059, Florida  
292 Statutes, in references thereto, paragraph (c) of subsection (3)  
293 of section 943.053, Florida Statutes, is reenacted to read:

294 943.053 Dissemination of criminal justice information;  
295 fees.—

296 (3)

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

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

303 b. The person to whom the record relates, or his or her  
304 attorney;

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

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

314 2. After providing the program with all known personal  
315 identifying information, the criminal history information  
316 relating to a juvenile which is not confidential and exempt  
317 under this subsection may be released to the private sector and  
318 noncriminal justice agencies not specified in s. 943.0585(6) or  
319 s. 943.059(6) in the same manner as provided in paragraph (a).

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320 Criminal history information relating to a juvenile which is not  
321 confidential and exempt under this subsection is the entire  
322 criminal history information relating to a juvenile who  
323 satisfies any of the criteria listed in subparagraphs (b)1.-4.,  
324 except for any portion of such juvenile's criminal history  
325 record which has been expunged or sealed under any law  
326 applicable to such record.

327 3. All criminal history information relating to juveniles,  
328 other than that provided to criminal justice agencies for  
329 criminal justice purposes, shall be provided upon tender of fees  
330 as established in this subsection and in the manner prescribed  
331 by rule of the Department of Law Enforcement.

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

336 943.0578 Lawful self-defense expunction.—

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

339 Section 7. For the purpose of incorporating the amendment  
340 made by this act to section 943.0585, Florida Statutes, in a  
341 reference thereto, paragraph (b) of subsection (2) of section  
342 943.0582, Florida Statutes, is reenacted to read:

343 943.0582 Diversion program expunction.—

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

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

347 1. Section 943.0585(6)(b) does not apply, except that the  
348 criminal history record of a person whose record is expunged

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349 pursuant to this section shall be made available only to  
350 criminal justice agencies for the purpose of:

- 351 a. Determining eligibility for diversion programs;
- 352 b. A criminal investigation; or
- 353 c. Making a prosecutorial decision under s. 985.15.

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

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