

CHAPTER 2026-114

Committee Substitute for Committee Substitute for House Bill No. 1069

An act relating to background screenings; amending s. 943.0438, F.S.; revising the definition of the term “athletic coach”; defining the term “team based in this state”; providing that an independent sanctioning authority is deemed to be a qualified entity for the purpose of participating in the Care Provider Background Screening Clearinghouse; authorizing an independent sanctioning authority to allow certain persons to act as athletic coaches and referees without passing certain background screening qualifications under certain circumstances; amending s. 943.0542, F.S.; requiring qualified entities to designate a user administrator for a specified purpose; revising requirements for the Care Provider Background Screening Clearinghouse to release specified records to a qualified entity; amending ss. 943.0585 and 943.059, F.S.; prohibiting certain persons from denying or failing to acknowledge certain criminal history records that have been expunged or sealed; requiring the Department of Law Enforcement to disclose sealed criminal history records under specified circumstances; reenacting ss. 943.053(3)(c), 943.0578(4), and 943.0582(2)(b), F.S., relating to dissemination of criminal justice information, lawful self-defense expunction, and diversion program expunction, respectively, to incorporate the amendments made to ss. 943.0585 and 943.059, F.S., in references thereto; providing an effective date.

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

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

943.0438 Athletic coaches for independent sanctioning authorities.—

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

(a) “Athletic coach” means a person who:

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

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

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

(2) An independent sanctioning authority shall:

(a) Effective July 1, 2026,;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

943.0585 Court-ordered expunction of criminal history records.—

(6) EFFECT OF EXPUNCTION ORDER.—

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

1. Is a candidate for employment with a criminal justice agency;
2. Is a defendant in a criminal prosecution;
3. Concurrently or subsequently petitions for relief under this section, s. 943.0583, or s. 943.059;
4. Is a candidate for admission to The Florida Bar;
5. Is seeking to be employed or licensed by or to contract with the Department of Children and Families, the Division of Vocational Rehabilitation within the Department of Education, the Agency for Health Care Administration, the Agency for Persons with Disabilities, the Department of Health, the Department of Elderly Affairs, or the Department of Juvenile Justice or to be employed or used by such contractor or licensee in a sensitive position having direct contact with children, the disabled, or the elderly;
- 6.a. Is seeking to be employed or licensed by, or contract with, the Department of Education, any district unit under s. 1001.30, any special district unit under s. 1011.24, the Florida School for the Deaf and the Blind under s. 1002.36, the Florida Virtual School under s. 1002.37, any virtual instruction program under s. 1002.45, any charter school under s. 1002.33, any hope operator under s. 1002.333, any alternative school under s. 1008.341, any private or parochial school, or any local governmental entity that licenses child care facilities;
- b. Is seeking to be employed or used by a contractor or licensee under sub-subparagraph a.; or
- c. Is a person screened under s. 1012.467;
7. Is seeking to be licensed by the Division of Insurance Agent and Agency Services within the Department of Financial Services; ~~or~~
8. Is seeking to be appointed as a guardian pursuant to s. 744.3125; or
9. Is a person screened through the Care Provider Background Screening Clearinghouse by a qualified entity pursuant to s. 435.12.

(d) Information relating to the existence of an expunged criminal history record which is provided in accordance with paragraph (a) is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution, except that the department shall disclose the existence of a criminal history record ordered expunged to the entities set forth in subparagraphs (b)1. and ~~4.-9.~~ ~~4.-8.~~ for their respective licensing, access authorization, and employment purposes and to criminal justice agencies for their respective criminal justice purposes. It is unlawful for any employee of an entity set forth in subparagraph (b)1., subparagraph (b)4., subparagraph (b)5., subparagraph (b)6., subparagraph (b)7., ~~or~~ subparagraph (b)8., or subparagraph (b)9. to disclose information relating to the existence of an expunged criminal history record of a person seeking employment, access authorization, or licensure with such entity or contractor, except to the person to whom the criminal history record relates or to persons having direct responsibility for employment, access authorization, or licensure decisions. A person who violates this paragraph commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

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

943.059 Court-ordered sealing of criminal history records.—

(6) EFFECT OF ORDER.—

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

1. Is a candidate for employment with a criminal justice agency;
2. Is a defendant in a criminal prosecution;
3. Concurrently or subsequently petitions for relief under this section, s. 943.0583, or s. 943.0585;
4. Is a candidate for admission to The Florida Bar;
5. Is seeking to be employed or licensed by or to contract with the Department of Children and Families, the Division of Vocational Rehabilitation within the Department of Education, the Agency for Health Care Administration, the Agency for Persons with Disabilities, the Department of Health, the Department of Elderly Affairs, or the Department of Juvenile Justice or to be employed or used by such contractor or licensee in a sensitive position having direct contact with children, the disabled, or the elderly;
- 6.a. Is seeking to be employed or licensed by, or contract with, the Department of Education, a district unit under s. 1001.30, a special district unit under s. 1011.24, the Florida School for the Deaf and the Blind under s. 1002.36, the Florida Virtual School under s. 1002.37, a virtual instruction

program under s. 1002.45, a charter school under s. 1002.33, a hope operator under s. 1002.333, an alternative school under s. 1008.341, a private or parochial school, or a local governmental entity that licenses child care facilities;

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

c. Is a person screened under s. 1012.467;

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

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

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

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

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

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

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

943.053 Dissemination of criminal justice information; fees.—

(3)

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

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

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

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

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

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

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

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

943.0578 Lawful self-defense expunction.—

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

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

943.0582 Diversion program expunction.—

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

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

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

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

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

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

Approved by the Governor May 22, 2026.

Filed in Office Secretary of State May 22, 2026.