

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Rules

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BILL: CS/SB 1546

INTRODUCER: Criminal Justice Committee and Senator Grall

SUBJECT: Background Screening of Athletic Coaches

DATE: April 7, 2025

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Looke</u>	<u>Brown</u>	<u>HP</u>	<b>Favorable</b>
2.	<u>Vaughan</u>	<u>Stokes</u>	<u>CJ</u>	<b>Fav/CS</b>
3.	<u>Looke</u>	<u>Yeatman</u>	<u>RC</u>	<b>Pre-meeting</b>

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1546 amends s. 943.0438, F.S., to extend the effective date for requiring a Level 2 background screening for athletic coaches from January 1, 2025, to July 1, 2026.

The bill amends the definition of “athletic coach” to provide that a person must work more than 20 hours in a calendar year to meet the definition.

The bill provides that an independent sanctioning authority is considered a qualified entity for purposes of participating in the Care Provider Background Screening Clearinghouse.

The bill provides that a person under 16 years of age who is acting as a coach, assistant coach, manager, or referee must be under the direct supervision of an athletic coach who meets the screening requirements.

The bill takes effect upon becoming law.

**II. Present Situation:**

**Background Screening**

Florida provides standard procedures for screening a prospective employee<sup>1</sup> where the Legislature has determined it is necessary to conduct a criminal history background check to protect vulnerable persons.<sup>2</sup> 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, 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>3</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>4</sup>
- Level 2 screening includes, at a minimum, fingerprinting for statewide criminal history records checks through FDLE and national criminal history checks through the Federal Bureau of Investigation (FBI), and may include local criminal records checks through local law enforcement agencies.<sup>5</sup>

Florida law authorizes and outlines specific elements required for Level 1 and Level 2 background screening and establishes requirements for determining whether an individual passes a screening regarding an individual's criminal history. All individuals subject to background screening must be confirmed to have not been arrested for and are awaiting final disposition of; have not been found guilty of, regardless of adjudication, or 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 offenses prohibited under Florida law.<sup>6</sup>

### **Background Screening of Youth Athletic Team Coaches**

An independent sanctioning authority is a private, non-governmental entity that organizes, operates, or coordinates a youth athletic team in Florida which includes one or more minors and is not affiliated with a private school.<sup>7</sup> Beginning January 1, 2025, an independent sanctioning authority is required to conduct a Level 2 background screening of each current and prospective athletic coach. The authority is not authorized to delegate the responsibility to conduct the required screening to an individual team and may not authorize any person to serve as an athletic coach<sup>8</sup> unless a Level 2 screening has been conducted, and the screening does not result in his or her disqualification.

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<sup>1</sup> Section 435.02(2), F.S., defines "employee" to mean any person required by law to be screened pursuant to this chapter, including, but not limited to, persons who are contractors, licensees, or volunteers.

<sup>2</sup> Chapter 435, F.S.

<sup>3</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 March 28 2025).

<sup>4</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 March 28 2025).

<sup>5</sup> Section 435.04(1)(a), F.S.

<sup>6</sup> Section 435.04(2), F.S.

<sup>7</sup> Sections 1002.01 and 943.0438(1)(b), F.S.

<sup>8</sup> "Athletic coach" means a person who is authorized by an independent sanctioning authority to work as a coach, assistant coach, or referee for whether for compensation or as a volunteer, for a youth athletic team in this state; and has direct contact with one or more minors on the youth athletic team. Section 943.0438(1)(a), F.S.

Before January 1, 2026, or a later date as determined by the Agency for Health Care Administration (AHCA), the authority must disqualify any person who does not pass the background screening qualifications established in s. 435.04, F.S., from acting as an athletic coach except that the authority may authorize such person to serve as an athletic coach if the person meets the requirements for an exemption in s. 435.07, F.S. Additionally, on or after January 1, 2026, or a later date as determined by the AHCA, an authority may not allow any person to act as an athletic coach if he or she does not pass the required background screening except that the authority may allow such a person to serve if he or she successfully completes the exemption process under s. 435.07, F.S.

### ***Timing of Athletic Coach Background Screening Requirements***

In 2014, the Legislature expanded background screening requirements for athletic coaches, assistant coaches, and referees of independent sanctioning authorities and allowed a background screening conducted by a commercial consumer reporting agency in compliance with federal standards to satisfy the state level requirement so long as such screening includes a Level 1 background screening and a search against the state and federal registries of sexual predators and sexual offenders to meet the requirements under s. 943.0438, F.S.<sup>9</sup>

In 2023, the Legislature updated the required background screening for athletic coaches to require that they pass a Level 2 background screening and, by January 1, 2026, be included in the background screening clearinghouse<sup>10</sup> run by the AHCA.<sup>11</sup> The Legislature further amended this requirement in 2024 to extend the start date for the requirement for the authority to begin conducting the Level 2 background screenings to January 1, 2025.<sup>12</sup>

### ***Care Provider Background Screening Clearinghouse***

In 2012, the Florida Legislature created a Care Provider Background Screening Clearinghouse (Clearinghouse). The purpose of the Clearinghouse is to provide a single data source for background screening results of persons required to be screened by law for employment in positions that provide services to children, the elderly, and disabled individuals. The Clearinghouse shall allow the results of criminal history checks to be shared among specified agencies when a person has applied to volunteer, be employed, be licensed, or enter into a contract that requires a state and national fingerprint-based criminal history check.<sup>13,14</sup>

## **III. Effect of Proposed Changes:**

The bill amends s. 943.0438, F.S., to extend the effective date for requiring a Level 2 background screening for athletic coaches from January 1, 2025, to July 1, 2026.

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<sup>9</sup> Chapter 2014-9, L.O.F.

<sup>10</sup> Section 435.12, F.S.

<sup>11</sup> Chapter 2023-220, L.O.F.

<sup>12</sup> Chapter 2024-243, L.O.F.

<sup>13</sup> Section 435.12, F.S.

<sup>14</sup> Florida Agency for Health Care Administration, *Care Provider Background Screening Clearinghouse*, available at <https://ahca.myflorida.com/site/health-quality-assurance/bureau-of-central-services/background-screening/clearinghouse/care-provider-background-screening-clearinghouse> (last visited April 1, 2025).

The bill amends the definition of “athletic coach” to provide that a person must work more than 20 hours in a calendar year to meet the definition.

The bill provides that an independent sanctioning authority is considered a qualified entity for purposes of participating in the Care Provider Background Screening Clearinghouse.

The bill provides that a person under 16 years of age who is acting as a coach, assistant coach, manager, or referee must be under the direct supervision of an athletic coach who meets the screening requirements.

The bill takes effect upon becoming law.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

#### **V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 943.0438 of the Florida Statutes.

**IX. Additional Information:****A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Criminal Justice on April 1, 2025:**

The amendment:

- Amends the definition of “athletic coach” to provide that a person must work more than 20 hours in a calendar year to meet the definition.
- Provides that an independent sanctioning authority be considered a qualified entity for purposes of participating in the Care provider Background Screening Clearing house.
- Provides that a person under 16 years of age who is acting as a coach, assistant coach, manager, or referee must be under the direct supervision of an athletic coach who meets the screening requirements.

**B. Amendments:**

None.