

FLORIDA HOUSE OF REPRESENTATIVES

BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: [CS/HB 1069](#)

TITLE: Background Screenings

SPONSOR(S): Trabulsky

COMPANION BILL: None

LINKED BILLS: None

RELATED BILLS: [CS/SB 1168](#) (Grall)

Committee References

[Health & Human Services](#)

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SUMMARY

Effect of the Bill:

CS/HB 1069 exempts athletic coaches from background screening requirements if they work under the direct supervision of an athletic coach who meets the background screening requirements.

The bill deems an independent sanctioning authority a qualified entity for purposes of participating in the Care Provider Background Screening Clearinghouse (Clearinghouse). This will allow the Clearinghouse to share the results of criminal history checks with an independent sanctioning authority.

Fiscal or Economic Impact:

None

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ANALYSIS

EFFECT OF THE BILL:

The bill exempts athletic coaches from background screening requirements if they work under the direct supervision of an athletic coach who meets the background screening requirements. This will allow athletic coaches to work without being required to conform with the [Level 2](#) background screening requirement that goes into effect July 1, 2026, and prevent independent sanctioning authorities from being required to terminate an athletic coach or reject an applicant who does not meet the background screening requirements. (Section 1)

The bill deems an [independent sanctioning authority](#) a qualified entity for purposes of participating in the [Care Provider Background Screening Clearinghouse](#) (Clearinghouse), administered by the Agency for Health Care Administration. This will allow the Clearinghouse to share the results of criminal history checks with an independent sanctioning authority. (Section 1)

The bill provides an effective date of July 1, 2026. (Section 2)

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Youth Athletic Team Coaches

An [independent sanctioning authority](#) is a private, nongovernmental entity that organizes, operates, or

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coordinates a youth athletic team that includes at least one minor and is not affiliated with a private school.¹ An athletic coach is a person authorized by the independent sanctioning authority to work as a coach, assistant coach, manager, or referee, for compensation or as a volunteer, for a youth athletic team and has direct contact with one or more minors on the youth athletic team.²

Beginning July 1, 2026, independent sanctioning authorities are required to conduct a Level 2 background screening for each current and prospective athletic coach.³ An independent sanctioning authority may not authorize a person to act as a coach unless they have undergone a Level 2 background screening and are not disqualified due to specified criminal history.⁴ An independent sanctioning authority may allow a disqualified person to act as an athletic coach if the person is granted an exemption.⁵

In 2023, the Legislature revised the background screening requirements for athletic coaches, assistant coaches, and referees of independent sanctioning authorities. The independent sanctioning authorities were directed to conduct a Level 2 background screening, instead of a Level 1 background screening, by July 1, 2024.⁶ In 2024, the Legislature extended the deadline for independent sanctioning authorities to conduct the Level 2 background screening from July 1, 2024 to January 1, 2025.⁷ The Legislature extended the deadline again in 2025 from January 1, 2025 to July 1, 2026.⁸ Under the extension, independent sanctioning authorities are allowed to continue operations without being required to conduct Level 2 background screenings of each current and prospective athletic coach, assistant coach, and referee as a condition of employment, until July.

Criminal Background Screening

Under current law, certain professions and employment settings⁹ are subject to criminal background screening and licensure or employment disqualification for certain past criminal offenses. Chapter [435, F.S.](#), establishes procedures and requirements for criminal history background screening. There are two levels of background screening: Level 1 and Level 2.

- Level 1: Screening includes, at a minimum, employment history checks and statewide criminal correspondence checks through the Florida Department of Law Enforcement (FDLE) and a check of the Dru Sjodin National Sex Offender Public Website,¹⁰ and may include criminal records checks through local law enforcement agencies.¹¹
- 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, as well as searches of sexual predator and sexual offender registries of any state in which the prospective employee lived during the preceding five years.¹²

¹ S. [1002.01\(3\), F.S.](#), for the definition of “private school.”

² S. [943.0438\(1\), F.S.](#)

³ S. [943.0438\(2\), F.S.](#); Before January 1, 2025, an independent sanctioning authority was required to conduct a Level 1 background screening including a search of the applicant or coach’s name or other identifying information against state and federal registries of sexual predators and sexual offenders for each current and prospective athletic coach.

⁴ S. [943.0438, F.S.](#)

⁵ *Id.*

⁶ Ch. 2023-220, Laws of Florida.

⁷ Ch. 2024-243, Laws of Florida.

⁸ Ch. 2025-97, Laws of Florida.

⁹ S. [435.02, 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.

¹⁰ 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, www.nsopw.gov (last visited January 29, 2026).

¹¹ Florida Department of Law Enforcement, *State of Florida Criminal History Records Check*, <http://www.fdle.state.fl.us/Criminal-History-Records/Florida-Checks.aspx> (last visited January 29, 2026).

¹² S. [435.04, F.S.](#)

Disqualifying Offenses

Individuals subject to background screening are disqualified from certain employment and licensure if they have been arrested for and are awaiting final disposition of, been found guilty of regardless of adjudication, 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 following offenses, or similar offenses in another jurisdiction:¹³

- Failure to report child abuse, abandonment, or neglect.
- Sexual misconduct with certain developmentally disabled clients and reporting of such sexual misconduct.
- Sexual misconduct with certain mental health patients and reporting of such sexual misconduct.
- Fraud, if the offense was a felony.
- Adult abuse, neglect, or exploitation of aged persons or disabled adults.
- Attempts, solicitation, and conspiracy to commit an offense.
- Murder.
- Manslaughter, aggravated manslaughter of an elderly person or disabled adult, or aggravated manslaughter of a child.
- Vehicular homicide.
- Killing of an unborn child by injury to the mother.
- Assault, battery, and culpable negligence, if the offense was a felony.
- Assault, if the victim of the offense was a minor.
- Aggravated assault.
- Battery, if the victim of the offense was a minor.
- Aggravated battery.
- Battery on staff of a detention or commitment facility or on a juvenile probation officer.
- Kidnapping.
- False imprisonment.
- Luring or enticing a child.
- Taking, enticing, or removing a child beyond the state limits with criminal intent pending custody proceedings.
- Carrying a child beyond the state lines with criminal intent to avoid producing a child at a custody hearing or delivering the child to the designated person.
- Human trafficking.
- Human smuggling.
- Exhibiting firearms or weapons within 1,000 feet of a school.
- Possessing an electric weapon or device, destructive device, or other weapon on school property.
- Sexual battery.
- Prohibited acts of persons in familial or custodial authority.
- Unlawful sexual activity with certain minors.
- Female genital mutilation.
- Prostitution.
- Lewd and lascivious behavior.
- Lewdness and indecent exposure.
- Arson.
- Burglary.
- Voyeurism, if the offense is a felony.
- Video voyeurism, if the offense is a felony.
- Theft, robbery, and related crimes, if the offense is a felony.
- Fraudulent sale of controlled substances, only if the offense was a felony.

¹³ S. [435.04\(2\), F.S.](#)

- Abuse, aggravated abuse, or neglect of an elderly person or disabled adult.
- Lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled adult.
- Exploitation of an elderly person or disabled adult, if a felony.
- Incest.
- Child abuse, aggravated child abuse, or neglect of a child.
- Contributing to the delinquency or dependency of a child.
- Negligent treatment of children.
- Sexual performance by a child.
- The unlawful sale, manufacture, alteration, delivery, uttering, or possession of counterfeit-resistant prescription blanks for controlled substances.
- Written or electronic threats to kill, do bodily injury, or conduct a mass shooting or an act of terrorism.
- Resisting arrest with violence.
- Depriving a law enforcement, correctional, or correctional probation officer of means of protection or communication.
- Aiding in an escape.
- Aiding in the escape of juvenile inmates in correctional institutions.
- Obscene literature.
- Poisoning food or water.
- The prohibition on the purchase or sale of human organs and tissue.
- Encouraging or recruiting another to join a criminal gang.
- Drug abuse prevention and control, only if the offense was a felony or if any other person involved in the offense was a minor.
- Sexual misconduct with certain forensic clients and reporting.
- Inflicting cruel or inhuman treatment on an inmate resulting in great bodily harm.
- Escape.
- Harboring, concealing, or aiding an escaped prisoner.
- Introduction of contraband into a correctional facility.
- Sexual misconduct in juvenile justice programs.
- Contraband introduced into detention facilities.

Any history of a listed offense is considered disqualifying regardless of when the offense was committed.

Disqualification Exemptions

For individuals who are disqualified from employment or licensure due to their criminal history, current law includes an exemption process. An exemption allows that individual to be employed in a profession or workplace where background screening is statutorily required despite the disqualifying offense in that person's past if that person meets certain criteria. The individual must demonstrate by clear and convincing evidence that they have been rehabilitated, will not present a danger, and should not be disqualified from employment.¹⁴ The agency head may grant the exemption from disqualification if all court ordered fees, fines, liens, applications, costs of prosecution, trusts, or restitution have been paid, and either:¹⁵

- Two years have elapsed since the individual has completed or been lawfully released from confinement supervision, or nonmonetary condition imposed by a court for a disqualifying felony; or
- The individual has completed or been lawfully released from confinement, supervision, or nonmonetary condition imposed by a court for a misdemeanor or an offense that was a felony at the time of commission but is now a misdemeanor.

¹⁴ S. [435.07, F.S.](#)

¹⁵ *Id.*

Receiving an exemption allows that individual to work despite the disqualifying offense in that person's past. However, an individual who is considered a sexual predator,¹⁶ career offender,¹⁷ or a registered sexual offender¹⁸ is not eligible for exemption.¹⁹

Care Provider Background Screening Clearinghouse

The Care Provider Background Screening Clearinghouse (Clearinghouse) is a single statewide screening program, administered by the Agency for Health Care Administration (AHCA), in consultation with FDLE, which allows for results of criminal history checks of persons acting as covered care providers to be shared among specified agencies.²⁰ The Clearinghouse allows for constant review of new criminal history information through the federal Rap Back Service,²¹ which continually matches fingerprints retained in the Clearinghouse against fingerprints received for new arrests that occur after the individual was originally screened.²² Once a person's screening record is in the Clearinghouse, that person may avoid the need for any future state screens and related fees for screenings, depending on the screening agencies or organizations.²³

The Clearinghouse is authorized to share background screening results with specified agencies and qualified entities that are conducting state and national criminal history background screening on persons who work with children or the elderly or disabled. The specified agencies include:²⁴

- AHCA;
- Department of Health;
- Department of Children and Families;
- Department of Elderly Affairs;
- Department of Juvenile Justice;
- Agency for Persons with Disabilities;
- Department of Education, and related entities including district units, special district units, the Florida School for the Deaf and Blind, the Florida Virtual School, virtual instruction programs, charter schools, hope operators, private schools participating in certain scholarship programs, and alternative schools;
- Regional workforce development boards; and
- Local licensing agencies responsible for licensing child care providers.

The Clearinghouse is also authorized to share results of criminal history checks with other entities participating in the Clearinghouse, referred to as qualified entities.²⁵ These are businesses or organizations which provide care or care placement services for children or vulnerable adults.²⁶ A qualified entity participating in the Clearinghouse must register and maintain the employment or affiliation status of all persons included in the Clearinghouse.²⁷

¹⁶ S. [775.21, F.S.](#)

¹⁷ S. [775.261, F.S.](#)

¹⁸ S. [943.0435, F.S.](#)

¹⁹ S. [435.07\(4\)\(b\), F.S.](#)

²⁰ S. [435.12, F.S.](#)

²¹ The Rap Back Service is managed by the FBI's Criminal Justice Information Services Division. For more information, see the Federal Bureau of Investigation, Privacy Impact Assessment for the Next Generation Identification (NGI) Rap Back Service. Available at <https://www.fbi.gov/file-repository/pia-ngi-rap-back-service.pdf/view> (last visited January 29, 2026).

²² S. [435.12\(2\), F.S.](#)

²³ Agency for Health Care Administration, *Clearinghouse Renewals*. Available at https://ahca.myflorida.com/MCHQ/Central_Services/Background_Screening/Renewals.shtml (last visited January 29, 2026). Fingerprints are retained for five years. Employers have an option to renew screenings at the end of the five-year period through a "Clearinghouse Renewal" process which allows employee's fingerprints to be retained without being re-fingerprinted.

²⁴ S. [435.02, F.S.](#)

²⁵ S. [435.12\(1\), F.S.](#)

²⁶ S. [943.0542\(1\), F.S.](#)

²⁷ S. [435.12\(2\), F.S.](#)

RECENT LEGISLATION:

YEAR	BILL #/SUBJECT	HOUSE/SENATE SPONSOR(S)	OTHER INFORMATION
2023	CS/SB 676 - Level 2 Background Screenings	Trabulsky/ <i>Grall</i>	Became effective July 1, 2024.
2024	CS/CS/HB 975 - Background Screenings and Certifications	Trabulsky, Bell, Campbell/ <i>Rouson</i>	Became effective July 1, 2024.
2025	HB 431 - Background Screening of Athletic Coaches	Trabulsky, Hunschofsky/ <i>Grall</i>	Became effective July 1, 2025.

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Health & Human Services Committee	25 Y, 0 N, As CS	2/3/2026	Calamas	Clenord

THE CHANGES ADOPTED BY THE COMMITTEE:

THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.
