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1  
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 an independent sanctioning  
6 authority is deemed to be a qualified entity for the  
7 purpose of participating in the Care Provider  
8 Background Screening Clearinghouse; authorizing an  
9 independent sanctioning authority to allow certain  
10 persons to act as athletic coaches and referees  
11 without passing certain background screening  
12 qualifications under certain circumstances; amending  
13 s. 943.0542, F.S.; requiring qualified entities to  
14 designate a user administrator for a specified  
15 purpose; revising requirements for the Care Provider  
16 Background Screening Clearinghouse to release  
17 specified records to a qualified entity; amending ss.  
18 943.0585 and 943.059, F.S.; prohibiting certain  
19 persons from denying or failing to acknowledge certain  
20 criminal history records that have been expunged or  
21 sealed; requiring the Department of Law Enforcement to  
22 disclose sealed criminal history records under  
23 specified circumstances; reenacting ss. 943.053(3)(c),  
24 943.0578(4), and 943.0582(2)(b), F.S., relating to  
25 dissemination of criminal justice information, lawful

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26 self-defense expunction, and diversion program  
 27 expunction, respectively, to incorporate the  
 28 amendments made to ss. 943.0585 and 943.059, F.S., in  
 29 references thereto; providing an effective date.

30

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

32

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

39 943.0438 Athletic coaches for independent sanctioning  
 40 authorities.—

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

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

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

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

50 (c) "Team based in this state" means a group of players

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51 which is assembled in this state to form one side in a  
 52 competitive game or sport and which primarily practices and  
 53 competes in this state.

54 (2) An independent sanctioning authority shall:

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

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

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

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

74 ~~3.2. On or after January 1, 2026, or a later date as~~  
 75 ~~determined by the Agency for Health Care Administration, Not~~

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76 | allow any person to act as an athletic coach if he or she does  
 77 | not pass the background screening qualifications in s. 435.04.  
 78 | The authority may:

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

83 |     b. Exempt a person under 18 years of age or a referee  
 84 | disqualified under this subparagraph from the background  
 85 | screening requirement if the person passes a Level 1 background  
 86 | screening pursuant to s. 435.03 and is under the direct  
 87 | supervision of an athletic coach who meets the background  
 88 | screening requirements of this subsection. For purposes of this  
 89 | subparagraph, the Level 1 background screening must include a  
 90 | search of the person's name or other identifying information  
 91 | against state and federal registries of sexual predators and  
 92 | sexual offenders, which are available to the public on Internet  
 93 | websites provided by the Department of Law Enforcement under s.  
 94 | 943.043, and the Attorney General of the United States under 42  
 95 | U.S.C. s. 16920.

96 |     ~~(c)-(d)~~ Maintain for at least 5 years documentation of:  
 97 |     1. The results for each person screened under paragraph  
 98 | (a); and  
 99 |     2. The written notice of disqualification provided to each  
 100 | person under paragraph (b) ~~(e)~~.

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101 Section 2. Paragraph (a) of subsection (2) and subsection  
102 (3) of section 943.0542, Florida Statutes, are amended to read:  
103 943.0542 Access to criminal history information provided  
104 by the department to qualified entities.—

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

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

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

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126 determined by the Agency for Health Care Administration, submit  
127 to the agency a request for screening an employee or volunteer  
128 or person applying to be an employee or volunteer by submitting  
129 fingerprints, or the request may be submitted electronically.  
130 The qualified entity must maintain a signed waiver allowing the  
131 release of the state and national criminal history record  
132 information to the qualified entity.

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

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

150 943.0585 Court-ordered expunction of criminal history

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151 records.—

152 (6) EFFECT OF EXPUNCTION ORDER.—

153 (b) The person who is the subject of a criminal history  
 154 record that is expunged under this section or under other  
 155 provisions of law, including former ss. 893.14, 901.33, and  
 156 943.058, may lawfully deny or fail to acknowledge the arrests  
 157 covered by the expunged record, except when the subject of the  
 158 record:

159 1. Is a candidate for employment with a criminal justice  
 160 agency;

161 2. Is a defendant in a criminal prosecution;

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

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

165 5. Is seeking to be employed or licensed by or to contract  
 166 with the Department of Children and Families, the Division of  
 167 Vocational Rehabilitation within the Department of Education,  
 168 the Agency for Health Care Administration, the Agency for  
 169 Persons with Disabilities, the Department of Health, the  
 170 Department of Elderly Affairs, or the Department of Juvenile  
 171 Justice or to be employed or used by such contractor or licensee  
 172 in a sensitive position having direct contact with children, the  
 173 disabled, or the elderly;

174 6.a. Is seeking to be employed or licensed by, or contract  
 175 with, the Department of Education, any district unit under s.

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176 | 1001.30, any special district unit under s. 1011.24, the Florida  
 177 | School for the Deaf and the Blind under s. 1002.36, the Florida  
 178 | Virtual School under s. 1002.37, any virtual instruction program  
 179 | under s. 1002.45, any charter school under s. 1002.33, any hope  
 180 | operator under s. 1002.333, any alternative school under s.  
 181 | 1008.341, any private or parochial school, or any local  
 182 | governmental entity that licenses child care facilities;  
 183 |       b. Is seeking to be employed or used by a contractor or  
 184 | licensee under sub-subparagraph a.; or  
 185 |       c. Is a person screened under s. 1012.467;  
 186 |       7. Is seeking to be licensed by the Division of Insurance  
 187 | Agent and Agency Services within the Department of Financial  
 188 | Services; ~~or~~  
 189 |       8. Is seeking to be appointed as a guardian pursuant to s.  
 190 | 744.3125; or  
 191 |       9. Is a person screened through the Care Provider  
 192 | Background Screening Clearinghouse by a qualified entity  
 193 | pursuant to s. 435.12.  
 194 |       (d) Information relating to the existence of an expunged  
 195 | criminal history record which is provided in accordance with  
 196 | paragraph (a) is confidential and exempt from s. 119.07(1) and  
 197 | s. 24(a), Art. I of the State Constitution, except that the  
 198 | department shall disclose the existence of a criminal history  
 199 | record ordered expunged to the entities set forth in  
 200 | subparagraphs (b)1. and 4.-9. ~~4.-8.~~ for their respective

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

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

217 943.059 Court-ordered sealing of criminal history  
218 records.—

219 (6) EFFECT OF ORDER.—

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

225 1. Is a candidate for employment with a criminal justice

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226 agency;

227       2. Is a defendant in a criminal prosecution;

228       3. Concurrently or subsequently petitions for relief under

229 this section, s. 943.0583, or s. 943.0585;

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

231       5. Is seeking to be employed or licensed by or to contract

232 with the Department of Children and Families, the Division of

233 Vocational Rehabilitation within the Department of Education,

234 the Agency for Health Care Administration, the Agency for

235 Persons with Disabilities, the Department of Health, the

236 Department of Elderly Affairs, or the Department of Juvenile

237 Justice or to be employed or used by such contractor or licensee

238 in a sensitive position having direct contact with children, the

239 disabled, or the elderly;

240       6.a. Is seeking to be employed or licensed by, or contract

241 with, the Department of Education, a district unit under s.

242 1001.30, a special district unit under s. 1011.24, the Florida

243 School for the Deaf and the Blind under s. 1002.36, the Florida

244 Virtual School under s. 1002.37, a virtual instruction program

245 under s. 1002.45, a charter school under s. 1002.33, a hope

246 operator under s. 1002.333, an alternative school under s.

247 1008.341, a private or parochial school, or a local governmental

248 entity that licenses child care facilities;

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

250 licensee under sub-subparagraph a.; or

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

252 7. Is attempting to purchase a firearm from a licensed

253 importer, licensed manufacturer, or licensed dealer and is

254 subject to a criminal history check under state or federal law;

255 8. Is seeking to be licensed by the Division of Insurance

256 Agent and Agency Services within the Department of Financial

257 Services;

258 9. Is seeking to be appointed as a guardian pursuant to s.

259 744.3125; ~~or~~

260 10. Is seeking to be licensed by the Bureau of License

261 Issuance of the Division of Licensing within the Department of

262 Agriculture and Consumer Services to carry a concealed weapon or

263 concealed firearm. This subparagraph applies only in the

264 determination of an applicant's eligibility under s. 790.06; or

265 11. Is a person screened through the Care Provider

266 Background Screening Clearinghouse by a qualified entity

267 pursuant to s. 435.12.

268 (d) Information relating to the existence of a sealed

269 criminal history record provided in accordance with paragraph

270 (b) is confidential and exempt from s. 119.07(1) and s. 24(a),

271 Art. I of the State Constitution, except that the department

272 shall disclose the sealed criminal history record to the

273 entities set forth in subparagraphs (b)1., 4.-6., and 8.-11. ~~8.-~~

274 ~~10.~~ for their respective licensing, access authorization, and

275 employment purposes. An employee of an entity set forth in

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276 | subparagraph (b)1., subparagraph (b)4., subparagraph (b)5.,  
 277 | subparagraph (b)6., subparagraph (b)8., subparagraph (b)9., ~~or~~  
 278 | subparagraph (b)10., or subparagraph (b)11. may not disclose  
 279 | information relating to the existence of a sealed criminal  
 280 | history record of a person seeking employment, access  
 281 | authorization, or licensure with such entity or contractor,  
 282 | except to the person to whom the criminal history record relates  
 283 | or to persons having direct responsibility for employment,  
 284 | access authorization, or licensure decisions. A person who  
 285 | violates this paragraph commits a misdemeanor of the first  
 286 | degree, punishable as provided in s. 775.082 or s. 775.083.

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

291 | 943.053 Dissemination of criminal justice information;  
 292 | fees.—

293 | (3)

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

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

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

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301 attorney;

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

306 d. An agency or entity specified in s. 943.0585(6) or s.  
 307 943.059(6), for the purposes specified therein, and to any  
 308 person within such agency or entity who has direct  
 309 responsibility for employment, access authorization, or  
 310 licensure decisions.

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

324 3. All criminal history information relating to juveniles,  
 325 other than that provided to criminal justice agencies for

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326 criminal justice purposes, shall be provided upon tender of fees  
 327 as established in this subsection and in the manner prescribed  
 328 by rule of the Department of Law Enforcement.

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

333 943.0578 Lawful self-defense expunction.—

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

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

340 943.0582 Diversion program expunction.—

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

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

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

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

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

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