

By Senator Ring

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1 A bill to be entitled
2 An act relating to criminal history record checks;
3 defining the terms "sports coach" and "independent youth
4 athletic team"; requiring the sanctioning authority of an
5 independent youth athletic team to screen any person who
6 is a sports coach of an independent youth athletic team;
7 requiring the sanctioning authority to screen the sports
8 coach through the designated public websites of the
9 Department of Law Enforcement and the United States
10 Department of Justice; requiring the sanctioning authority
11 to disqualify any sports coach appearing on either
12 registry; requiring the sanctioning authority to notify
13 the sports coach of his or her right to obtain a copy of
14 the screening and to challenge the accuracy and
15 completeness of a screening report; requiring each
16 sanctioning authority to sign an affidavit annually, under
17 penalty of perjury, stating that all sports coaches under
18 its jurisdiction have been screened or are newly hired and
19 awaiting the results of the screening; allowing a sports
20 coach to be placed on probationary status pending
21 compliance with the screening requirement; creating a
22 rebuttable presumption that a sports coach was not
23 negligently hired if the sanctioning authority completed
24 the required screening process of the sports coach;
25 creating a rebuttable presumption that a sports coach was
26 negligently hired if the sanctioning authority did not
27 complete the required screening of the sports coach;
28 providing legislative intent encouraging sanctioning
29 authorities for youth teams to participate in the

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30 Volunteer and Employee Criminal History System as
31 authorized by the National Child Protection Act and the
32 laws of this state; providing an effective date.

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

36 Section 1. Criminal history record checks for sports
37 coaches.--

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

39 (a) "Independent youth athletic team" or "team" means an
40 athletic team that:

41 1. Includes a minor as a team member;

42 2. Is sanctioned by an independent organization; and

43 3. Is not sanctioned by or affiliated with a public or
44 private school.

45 (b) "Minor" has the same meaning as in s. 1.01, Florida
46 Statutes.

47 (c) "Sports coach" means a person who is authorized by a
48 sanctioning authority to be responsible for leading an
49 independent youth athletic team and any person assisting the
50 sports coach. A sports coach is an individual who:

51 1. Works or is to work for the independent youth athletic
52 team 20 or more hours within a calendar year;

53 2. Has or is to have unsupervised contact with minors; and

54 3. Serves or is to serve as a chaperone for minors on any
55 overnight activity related to the independent youth athletic
56 team.

57 (2) (a) The sanctioning authority of an independent youth
58 athletic team must screen any person in this state who acts as a

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59 sports coach to an independent youth athletic team. The screening
60 must be conducted through the sexual offenders and predators
61 public website of the Department of Law Enforcement and the Dru
62 Sjodin National Sex Offender Public Registry website of the
63 United States Department of Justice.

64 (b) The sanctioning authority shall disqualify any sports
65 coach appearing on either registry.

66 (c) The sanctioning authority must notify in writing the
67 sports coach of his or her right to obtain a copy of the
68 screening and of the sport coach's right to challenge the
69 accuracy and completeness of any information contained in a
70 screening report. A disqualified sports coach may challenge the
71 accuracy of the screening report.

72 (3) Each sanctioning authority for an independent youth
73 athletic team must sign an affidavit annually, under penalty of
74 perjury, stating that all sports coaches under its jurisdiction
75 have been screened or are newly hired and awaiting the results of
76 the screening through the websites of the Department of Law
77 Enforcement and the United States Department of Justice as set
78 forth in subsection (2).

79 (4) Unless otherwise prohibited by state or federal law, a
80 sports coach may be placed on probationary status pending a
81 determination of compliance with subsection (2).

82 (5) (a) In any civil action brought against a sanctioning
83 authority for harm negligently caused by a sports coach, a
84 rebuttable presumption is created that the independent youth
85 athletic team was not negligent in hiring the sports coach if the
86 sanctioning authority:

87 1. Conducted a screening of the sports coach by reviewing

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88 the sexual offenders and predators public website of the
89 Department of Law Enforcement and the Dru Sjodin National Sex
90 Offender Public Registry of the United States Department of
91 Justice; and

92 2. Made a reasonable effort to contact references and
93 former employers of the sports coach concerning the suitability
94 of the sports coach to work with minors.

95 (b) In any civil action brought against a sanctioning
96 authority for harm negligently caused by a sports coach, a
97 rebuttable presumption is created that the independent youth
98 athletic team was negligent in hiring the sports coach if the
99 sanctioning authority failed to comply with the requirements of
100 paragraph (a).

101 Section 2. Because of the history of harm to children by
102 coaches and others, the Legislature encourages sanctioning
103 authorities for youth teams to participate in the Volunteer and
104 Employee Criminal History System, as authorized by the National
105 Child Protection Act of 1993 and s. 943.0542, Florida Statutes.

106 Section 3. This act shall take effect July 1, 2008.