

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

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85 athletic team was not negligent in hiring the sports coach if  
86 the sanctioning authority:

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