

1 A bill to be entitled
 2 An act relating to athletic coaches; defining the terms
 3 "athletic coach" and "independent sanctioning authority";
 4 requiring the independent sanctioning authority of a youth
 5 athletic team to screen the background of current and
 6 prospective athletic coaches through designated federal
 7 and state sex offender Internet websites; requiring the
 8 independent sanctioning authority to disqualify any
 9 athletic coach appearing on either registry; requiring the
 10 independent sanctioning authority to provide a
 11 disqualified coach with written notice; requiring the
 12 independent sanctioning authority to maintain
 13 documentation of screening results and disqualification
 14 notices; providing a rebuttable presumption that an
 15 independent sanctioning authority did not negligently
 16 authorize an athletic coach for purposes of a civil action
 17 for an intentional tort relating to sexual misconduct if
 18 the authority complied with the screening and
 19 disqualification requirements; encouraging independent
 20 sanctioning authorities for youth athletic teams to
 21 participate in the Volunteer and Employee Criminal History
 22 System; providing an effective date.

23
 24 Be It Enacted by the Legislature of the State of Florida:

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 26 Section 1. Athletic coaches for independent sanctioning
 27 authorities.--

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

29 (a) "Athletic coach" means a person who:
 30 1. Is authorized by an independent sanctioning authority
 31 to work, whether for compensation or as a volunteer, for a youth
 32 athletic team for 20 or more hours within a calendar year; and
 33 2. Has direct contact with one or more minors on the youth
 34 athletic team.

35 (b) "Independent sanctioning authority" means a private,
 36 nongovernmental entity that organizes, operates, or coordinates
 37 a youth athletic team in this state. Such team shall include one
 38 or more minors and may not be affiliated with a private school
 39 as defined in s. 1002.01, Florida Statutes.

40 (2) An independent sanctioning authority shall:

41 (a) Conduct a background screening of each current and
 42 prospective athletic coach. No person shall be authorized by the
 43 independent sanctioning authority to act as an athletic coach
 44 after July 1, 2008, unless a background screening has been
 45 conducted and did not result in disqualification under paragraph
 46 (b). Background screenings shall be conducted annually for each
 47 athletic coach. For purposes of this section, a background
 48 screening shall be conducted with a search of the athletic
 49 coach's name or other identifying information against state and
 50 federal registries of sexual predators and sexual offenders,
 51 which are available to the public on an Internet site provided
 52 by:

53 1. The Department of Law Enforcement under s. 943.043,
 54 Florida Statutes; and

55 2. The Attorney General of the United States under 42
 56 U.S.C. s. 16920.

57 (b) Disqualify any person from acting as an athletic coach
58 if he or she is identified on either registry described in
59 paragraph (a).

60 (c) Provide written notice to a person disqualified within
61 7 business days following the background screening under
62 paragraph (a), which advises the person of the results and of
63 his or her disqualification.

64 (d) Maintain documentation of:

65 1. The results for each person screened under paragraph
66 (a); and

67 2. The written notice of disqualification provided to each
68 person under paragraph (c).

69 (3) In a civil action for the death of, or injury or
70 damage to, a third person caused by the intentional tort of an
71 athletic coach, which relates to sexual misconduct, it is a
72 rebuttable presumption that the independent sanctioning
73 authority was not negligent in authorizing the athletic coach if
74 prior to such authorization it complied with the background
75 screening and disqualification requirements of subsection (2).

76 (4) The Legislature encourages independent sanctioning
77 authorities for youth athletic teams to participate in the
78 Volunteer and Employee Criminal History System, as authorized by
79 the National Child Protection Act of 1993 and s. 943.0542,
80 Florida Statutes.

81 Section 2. This act shall take effect July 1, 2008.