

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:

25
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 for 20 or more hours within a calendar year, whether for
 32 compensation or as a volunteer, for a youth athletic team based
 33 in this state; and
 34 2. Has direct contact with one or more minors on the youth
 35 athletic team.

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

41 (2) An independent sanctioning authority shall:
 42 (a) Conduct a background screening of each current and
 43 prospective athletic coach. No person shall be authorized by the
 44 independent sanctioning authority to act as an athletic coach
 45 after July 1, 2008, unless a background screening has been
 46 conducted and did not result in disqualification under paragraph
 47 (b). Background screenings shall be conducted annually for each
 48 athletic coach. For purposes of this section, a background
 49 screening shall be conducted with a search of the athletic
 50 coach's name or other identifying information against state and
 51 federal registries of sexual predators and sexual offenders,
 52 which are available to the public on an Internet site provided
 53 by:
 54 1. The Department of Law Enforcement under s. 943.043,
 55 Florida Statutes; and
 56 2. The Attorney General of the United States under 42

57 U.S.C. s. 16920.

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

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

65 (d) Maintain documentation of:

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

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

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

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

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