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LEGISLATIVE ACTION

Senate

House

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Floor: WD/2R

04/02/2009 10:39 AM

Senator Aronberg moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Criminal history record checks for sports
coaches and summer camp personnel.—

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

(a) "Independent youth athletic team" or "team" means an
athletic team that is based in this state and that:

1. Includes a minor as a team member;

2. Is sanctioned by an independent organization; and

3. Is not sanctioned by or affiliated with a public or



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13 private school.

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

16 (c) "Provider of summer camp" means any not-for-profit or
17 for profit provider of programs that operate during the summer
18 months for minors.

19 (d) "Sports coach" means a person who is authorized by a
20 sanctioning authority to be responsible for leading an
21 independent youth athletic team and any person assisting the
22 sports coach. A sports coach is an individual who:

23 1. Works or volunteers or is to work or volunteer for the
24 independent youth athletic team 20 or more hours within a
25 calendar year;

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

27 3. Serves or is to serve as a chaperone for minors on any
28 overnight activity related to the independent youth athletic
29 team.

30 (e) "Summer camp personnel" means paid personnel and
31 volunteers who work at a camp for minors during the summer
32 months.

33 (2) For purposes of this section, the term "sanctioning
34 authority of an independent youth athletic team" includes the
35 independent organization having authority to sanction an
36 independent youth athletic team, any local office of that
37 organization, and any office or entity that is authorized by
38 that organization to perform any of its functions or represent
39 its interests.

40 (3) (a) Before a person in this state is hired or recruited
41 as a sports coach of an independent youth athletic team or



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42 summer camp personnel, the sanctioning authority of the
43 independent youth athletic team or provider of summer camp must
44 screen the person through the public website on sexual offenders
45 and sexual predators maintained by the Department of Law
46 Enforcement and the Dru Sjodin National Sex Offender Public
47 Website maintained by the United States Department of Justice.

48 (b) The sanctioning authority or provider of summer camp
49 shall disqualify an applicant for sports coach or summer camp
50 personnel from acting as a sports coach or summer camp personnel
51 if the applicant appears on either registry.

52 (c) The sanctioning authority or provider of summer camp
53 must notify in writing each applicant for sports coach or summer
54 camp personnel of his or her right to obtain a copy of the
55 screening report. An applicant who is disqualified from acting
56 as a sports coach or summer camp personnel based on the
57 screening may appeal to the sanctioning authority or provider of
58 summer camp the accuracy and completeness of any information
59 contained in the screening report. Unless otherwise prohibited
60 by state or federal law, an applicant appealing his or her
61 disqualification as a sports coach or summer camp personnel may
62 be placed on probationary status pending resolution of the
63 appeal.

64 (d) For the purposes of this section, a sanctioning
65 authority that uses a commercial consumer reporting agency that
66 conducts a background screening in compliance with the federal
67 Fair Credit Reporting Act utilizing the information from the
68 sexual predators and sexual offenders Internet websites listed
69 in paragraph (a) shall be deemed in compliance with the
70 requirements of this subsection.



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71 (4) Each sanctioning authority or provider of summer camp
72 must sign an affidavit annually, under penalty of perjury,
73 stating that all persons who have applied for a position as a
74 sports coach of an independent youth athletic team or summer
75 camp personnel under its jurisdiction have been screened in
76 compliance with subsection (3). The sanctioning authority or
77 provider of summer camp must maintain the affidavit in its
78 records and provide a copy of the affidavit to any person
79 requesting it.

80 (5) In any civil action brought against a sanctioning
81 authority or provider of summer camp in which it is alleged that
82 the sanctioning authority or provider of summer camp was
83 negligent in the hiring of a sports coach or summer camp
84 personnel because of sexual misconduct committed by the sports
85 coach or summer camp personnel, a rebuttable presumption is
86 created that the sanctioning authority or provider of summer
87 camp was:

88 (a) Not negligent in the hiring of the sports coach or
89 summer camp personnel if the sanctioning authority or provider
90 of summer camp conducted a screening of the sports coach or
91 summer camp personnel by participating in the Volunteer and
92 Employee Criminal History System and made a reasonable effort to
93 contact references.

94 (b) Negligent in the hiring of the sports coach or summer
95 camp personnel if the sanctioning authority or provider of
96 summer camp did not conduct a screening of the sports coach or
97 summer camp personnel by participating in the Volunteer and
98 Employee Criminal History System of the Department of Law
99 Enforcement and make a reasonable effort to contact references.



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

106
107 ===== T I T L E A M E N D M E N T =====

108 And the title is amended as follows:

109 Delete everything before the enacting clause
110 and insert:

111 A bill to be entitled
112 An act relating to criminal history record checks;
113 defining the terms "independent youth athletic team,"
114 "minor," "provider of summer camp," "sports coach,"
115 and "summer camp personnel"; specifying what is
116 included as a "sanctioning authority of an independent
117 youth athletic team"; requiring the sanctioning
118 authority of an independent youth athletic team or
119 provider of summer camp to screen an applicant for
120 sports coach or summer camp personnel through
121 designated public websites maintained by the
122 Department of Law Enforcement and the United States
123 Department of Justice; requiring the sanctioning
124 authority or provider of summer camp to disqualify any
125 applicant from acting as a sports coach or summer camp
126 personnel if that applicant appears on either
127 registry; requiring the sanctioning authority or
128 provider of summer camp to notify the applicant of his



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129 or her right to obtain a copy of the screening report;
130 providing that an applicant who is disqualified from
131 acting as a sports coach or summer camp personnel
132 based on the screening may appeal to the sanctioning
133 authority or provider of summer camp the accuracy and
134 completeness of the screening report; providing that
135 the sanctioning authority or provider of summer camp
136 may place an applicant appealing his or her
137 disqualification as a sports coach or summer camp
138 personnel on probationary status pending resolution of
139 the appeal; providing that a background screening in
140 compliance with the federal Fair Credit Reporting Act
141 satisfies screening provisions; requiring each
142 sanctioning authority or provider of summer camp to
143 sign an affidavit annually, under penalty of perjury,
144 stating that all persons who have applied for a
145 position as a sports coach of an independent youth
146 athletic team or summer camp personnel under its
147 jurisdiction have been screened; requiring a
148 sanctioning authority or provider of summer camp to
149 maintain the affidavit in its files and to provide a
150 copy of the affidavit to anyone upon request; creating
151 rebuttable presumptions in a civil action brought
152 against a sanctioning authority or provider of summer
153 camp in which it is alleged that the sanctioning
154 authority or provider of summer camp was negligent in
155 the hiring of a sports coach or summer camp personnel
156 because of sexual misconduct committed by the sports
157 coach or summer camp personnel; providing legislative



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158 intent encouraging sanctioning authorities for youth
159 athletic teams and providers of summer camp to
160 participate in the Volunteer and Employee Criminal
161 History System as authorized by the National Child
162 Protection Act and the laws of this state; providing
163 an effective date.