

By Senator Ring

32-00037-09

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

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30 coach; providing legislative intent encouraging  
31 sanctioning authorities for youth athletic teams to  
32 participate in the Volunteer and Employee Criminal  
33 History System as authorized by the National Child  
34 Protection Act and the laws of this state; providing  
35 an effective date.

36  
37 Be It Enacted by the Legislature of the State of Florida:

38  
39 Section 1. Criminal history record checks for sports  
40 coaches.—

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

42 (a) "Independent youth athletic team" or "team" means an  
43 athletic team that:

44 1. Includes a minor as a team member;

45 2. Is sanctioned by an independent organization; and

46 3. Is not sanctioned by or affiliated with a public or  
47 private school.

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

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

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

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

57 3. Serves or is to serve as a chaperone for minors on any  
58 overnight activity related to the independent youth athletic

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59 team.

60 (2) (a) The sanctioning authority of an independent youth  
61 athletic team must screen any person in this state who acts as a  
62 sports coach to an independent youth athletic team. The  
63 screening must be conducted through the sexual offenders and  
64 predators public website of the Department of Law Enforcement  
65 and the Dru Sjodin National Sex Offender Public Registry website  
66 of the United States Department of Justice.

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

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

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

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

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

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88 the sanctioning authority:

89 1. Conducted a screening of the sports coach by reviewing  
90 the sexual offenders and predators public website of the  
91 Department of Law Enforcement and the Dru Sjodin National Sex  
92 Offender Public Registry of the United States Department of  
93 Justice; and

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

97 (b) In any civil action brought against a sanctioning  
98 authority for harm negligently caused by a sports coach, a  
99 rebuttable presumption is created that the independent youth  
100 athletic team was negligent in hiring the sports coach if the  
101 sanctioning authority failed to comply with the requirements of  
102 paragraph (2) (a).

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

109 Section 3. This act shall take effect July 1, 2009.