

By the Committee on Criminal Justice and Senator Ring

591-02145-09

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1 A bill to be entitled
2 An act relating to criminal history record checks;
3 defining the terms "independent youth athletic team,"
4 "minor," and "sports coach"; specifying what is
5 included as a "sanctioning authority of an independent
6 youth athletic team"; requiring the sanctioning
7 authority of an independent youth athletic team to
8 screen an applicant for sports coach through
9 designated public websites maintained by the
10 Department of Law Enforcement and the United States
11 Department of Justice; requiring the sanctioning
12 authority to disqualify any applicant from acting as a
13 sports coach if that applicant appears on either
14 registry; requiring the sanctioning authority to
15 notify the applicant of his or her right to obtain a
16 copy of the screening report; providing that an
17 applicant who is disqualified from acting as a sports
18 coach based on the screening may appeal to the
19 sanctioning authority the accuracy and completeness of
20 the screening report; providing that the sanctioning
21 authority may place an applicant appealing his or her
22 disqualification as a sports coach on probationary
23 status pending resolution of the appeal; requiring
24 each sanctioning authority to sign an affidavit
25 annually, under penalty of perjury, stating that all
26 persons who have applied for a position as a sports
27 coach of an independent youth athletic team under its
28 jurisdiction have been screened; creating rebuttable
29 presumptions in a civil action brought against a

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30 sanctioning authority in which it is alleged that the
31 sanctioning authority was negligent in the hiring of a
32 sports coach because of sexual misconduct committed by
33 the sports coach; providing legislative intent
34 encouraging sanctioning authorities for youth athletic
35 teams to participate in the Volunteer and Employee
36 Criminal History System as authorized by the National
37 Child Protection Act and the laws of this state;
38 providing an effective date.
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40 Be It Enacted by the Legislature of the State of Florida:
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42 Section 1. Criminal history record checks for sports
43 coaches.—

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

45 (a) “Independent youth athletic team” or “team” means an
46 athletic team that is based in this state and that:

- 47 1. Includes a minor as a team member;
48 2. Is sanctioned by an independent organization; and
49 3. Is not sanctioned by or affiliated with a public or
50 private school.

51 (b) “Minor” has the same meaning as in s. 1.01, Florida
52 Statutes.

53 (c) “Sports coach” means a person who is authorized by a
54 sanctioning authority to be responsible for leading an
55 independent youth athletic team and any person assisting the
56 sports coach. A sports coach is an individual who:

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

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

60 3. Serves or is to serve as a chaperone for minors on any
61 overnight activity related to the independent youth athletic
62 team.

63 (2) For purposes of this section, the term "sanctioning
64 authority of an independent youth athletic team" includes the
65 independent organization having authority to sanction an
66 independent youth athletic team, any local office of that
67 organization, and any office or entity that is authorized by
68 that organization to perform any of its functions or represent
69 its interests.

70 (3) (a) Before a person in this state is hired as a sports
71 coach of an independent youth athletic team, the sanctioning
72 authority of the independent youth athletic team must screen the
73 person through the public website on sexual offenders and sexual
74 predators maintained by the Department of Law Enforcement and
75 the Dru Sjodin National Sex Offender Public Website maintained
76 by the United States Department of Justice.

77 (b) The sanctioning authority shall disqualify an applicant
78 for sports coach from acting as a sports coach if the applicant
79 appears on either registry.

80 (c) The sanctioning authority must notify in writing each
81 applicant for sports coach of his or her right to obtain a copy
82 of the screening report. An applicant who is disqualified from
83 acting as a sports coach based on the screening may appeal to
84 the sanctioning authority the accuracy and completeness of any
85 information contained in the screening report. Unless otherwise
86 prohibited by state or federal law, an applicant appealing his
87 or her disqualification as a sports coach may be placed on

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88 probationary status pending resolution of the appeal.

89 (4) Each sanctioning authority must sign an affidavit
90 annually, under penalty of perjury, stating that all persons who
91 have applied for a position as a sports coach of an independent
92 youth athletic team under its jurisdiction have been screened in
93 compliance with subsection (3).

94 (5) In any civil action brought against a sanctioning
95 authority in which it is alleged that the sanctioning authority
96 was negligent in the hiring of a sports coach because of sexual
97 misconduct committed by the sports coach, a rebuttable
98 presumption is created that the sanctioning authority was:

99 (a) Not negligent in the hiring of the sports coach if the
100 sanctioning authority conducted a screening of the sports coach
101 by participating in the Volunteer and Employee Criminal History
102 System and made a reasonable effort to contact references.

103 (b) Negligent in the hiring of the sports coach if the
104 sanctioning authority did not conduct a screening of the sports
105 coach by participating in the Volunteer and Employee Criminal
106 History System of the Department of Law Enforcement and make a
107 reasonable effort to contact references.

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

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