

By the Committees on Judiciary; and Criminal Justice; and
Senator Ring

590-02984-09

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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; providing
24 that a background screening in compliance with the
25 federal Fair Credit Reporting Act satisfies screening
26 provisions; requiring each sanctioning authority to
27 sign an affidavit annually, under penalty of perjury,
28 stating that all persons who have applied for a
29 position as a sports coach of an independent youth

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30 athletic team under its jurisdiction have been
31 screened; requiring a sanctioning authority to
32 maintain the affidavit in its files and to provide a
33 copy of the affidavit to anyone upon request; creating
34 rebuttable presumptions in a civil action brought
35 against a sanctioning authority in which it is alleged
36 that the sanctioning authority was negligent in the
37 hiring of a sports coach because of sexual misconduct
38 committed by the sports coach; providing legislative
39 intent encouraging sanctioning authorities for youth
40 athletic teams to participate in the Volunteer and
41 Employee Criminal History System as authorized by the
42 National Child Protection Act and the laws of this
43 state; providing an effective date.

44
45 Be It Enacted by the Legislature of the State of Florida:

46
47 Section 1. Criminal history record checks for sports
48 coaches.—

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

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

52 1. Includes a minor as a team member;

53 2. Is sanctioned by an independent organization; and

54 3. Is not sanctioned by or affiliated with a public or
55 private school.

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

58 (c) "Sports coach" means a person who is authorized by a

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59 sanctioning authority to be responsible for leading an
60 independent youth athletic team and any person assisting the
61 sports coach. A sports coach is an individual who:

62 1. Works or volunteers or is to work or volunteer for the
63 independent youth athletic team 20 or more hours within a
64 calendar year;

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

66 3. Serves or is to serve as a chaperone for minors on any
67 overnight activity related to the independent youth athletic
68 team.

69 (2) For purposes of this section, the term "sanctioning
70 authority of an independent youth athletic team" includes the
71 independent organization having authority to sanction an
72 independent youth athletic team, any local office of that
73 organization, and any office or entity that is authorized by
74 that organization to perform any of its functions or represent
75 its interests.

76 (3) (a) Before a person in this state is hired or recruited
77 as a sports coach of an independent youth athletic team, the
78 sanctioning authority of the independent youth athletic team
79 must screen the person through the public website on sexual
80 offenders and sexual predators maintained by the Department of
81 Law Enforcement and the Dru Sjodin National Sex Offender Public
82 Website maintained by the United States Department of Justice.

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

86 (c) The sanctioning authority must notify in writing each
87 applicant for sports coach of his or her right to obtain a copy

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88 of the screening report. An applicant who is disqualified from
89 acting as a sports coach based on the screening may appeal to
90 the sanctioning authority the accuracy and completeness of any
91 information contained in the screening report. Unless otherwise
92 prohibited by state or federal law, an applicant appealing his
93 or her disqualification as a sports coach may be placed on
94 probationary status pending resolution of the appeal.

95 (d) For the purposes of this section, a sanctioning
96 authority that uses a commercial consumer reporting agency that
97 conducts a background screening in compliance with the federal
98 Fair Credit Reporting Act utilizing the information from the
99 sexual predators and sexual offenders Internet websites listed
100 in paragraph (a) shall be deemed in compliance with the
101 requirements of this subsection.

102 (4) Each sanctioning authority must sign an affidavit
103 annually, under penalty of perjury, stating that all persons who
104 have applied for a position as a sports coach of an independent
105 youth athletic team under its jurisdiction have been screened in
106 compliance with subsection (3). The sanctioning authority must
107 maintain the affidavit in its records and provide a copy of the
108 affidavit to any person requesting it.

109 (5) In any civil action brought against a sanctioning
110 authority in which it is alleged that the sanctioning authority
111 was negligent in the hiring of a sports coach because of sexual
112 misconduct committed by the sports coach, a rebuttable
113 presumption is created that the sanctioning authority was:

114 (a) Not negligent in the hiring of the sports coach if the
115 sanctioning authority conducted a screening of the sports coach
116 by participating in the Volunteer and Employee Criminal History

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117 System and made a reasonable effort to contact references.

118 (b) Negligent in the hiring of the sports coach if the
119 sanctioning authority did not conduct a screening of the sports
120 coach by participating in the Volunteer and Employee Criminal
121 History System of the Department of Law Enforcement and make a
122 reasonable effort to contact references.

123 Section 2. Because of the history of harm to children by
124 coaches and others, the Legislature encourages sanctioning
125 authorities for youth athletic teams to participate in the
126 Volunteer and Employee Criminal History System, as authorized by
127 the National Child Protection Act of 1993 and s. 943.0542,
128 Florida Statutes.

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