

HB 3

2009

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 state and
 7 federal sex offender registries; requiring the independent
 8 sanctioning authority to disqualify any athletic coach
 9 appearing on a registry; requiring the independent
 10 sanctioning authority to provide a disqualified athletic
 11 coach with written notice; requiring the independent
 12 sanctioning authority to maintain documentation of
 13 screening results and disqualification notices; providing
 14 a rebuttable presumption that an independent sanctioning
 15 authority did not negligently authorize an athletic coach
 16 for purposes of a civil action for an intentional tort
 17 relating to alleged sexual misconduct by the athletic
 18 coach if 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 if the team includes one or
 39 more minors and is not affiliated with a private school as
 40 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, 2009, 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 Internet sites provided by:
 53 1. The Department of Law Enforcement under s. 943.043,
 54 Florida Statutes; and
 55 2. The Attorney General of the United States under 42
 56 U.S.C. s. 16920.

HB 3

2009

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

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

64 (d) Maintain documentation of:

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

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

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

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, 2009.