

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Hasner offered the following:

2  
3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. Athletic coaches for independent sanctioning  
6 authorities.-

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

8 (a) "Athletic coach" means a person who:

9 1. Is authorized by an independent sanctioning authority  
10 to work for 20 or more hours within a calendar year, whether for  
11 compensation or as a volunteer, for a youth athletic team based  
12 in this state; and

13 2. Has direct contact with one or more minors on the youth  
14 athletic team.

15 (b) "Independent sanctioning authority" means a private,  
16 nongovernmental entity that organizes, operates, or coordinates

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17 a youth athletic team in this state if the team includes one or  
18 more minors and is not affiliated with a private school as  
19 defined in s. 1002.01, Florida Statutes.

20 (2) An independent sanctioning authority shall:

21 (a)1. Conduct a background screening of each current and  
22 prospective athletic coach. No person shall be authorized by the  
23 independent sanctioning authority to act as an athletic coach  
24 after July 1, 2010, unless a background screening has been  
25 conducted and did not result in disqualification under paragraph  
26 (b). Background screenings shall be conducted annually for each  
27 athletic coach. For purposes of this section, a background  
28 screening shall be conducted with a search of the athletic  
29 coach's name or other identifying information against state and  
30 federal registries of sexual predators and sexual offenders,  
31 which are available to the public on Internet sites provided by:

32 a. The Department of Law Enforcement under s. 943.043,  
33 Florida Statutes; and

34 b. The Attorney General of the United States under 42  
35 U.S.C. s. 16920.

36 2. For purposes of this section, a background screening  
37 conducted by a commercial consumer reporting agency in  
38 compliance with the federal Fair Credit Reporting Act using the  
39 identifying information referenced in subparagraph 1. and that  
40 includes searching that information against the sexual predator  
41 and sexual offender Internet sites listed in sub-subparagraphs  
42 1.a. and b. shall be deemed in compliance with the requirements  
43 of this section.

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

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

51 (d) Maintain documentation of:

52 1. The results for each person screened under paragraph  
53 (a); and

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

56 (3) In a civil action for the death of, or injury or  
57 damage to, a third person caused by the intentional tort of an  
58 athletic coach that relates to alleged sexual misconduct by the  
59 athletic coach, there is a rebuttable presumption that the  
60 independent sanctioning authority was not negligent in  
61 authorizing the athletic coach if the authority complied with  
62 the background screening and disqualification requirements of  
63 subsection (2) prior to such authorization.

64 (4) The Legislature encourages independent sanctioning  
65 authorities for youth athletic teams to participate in the  
66 Volunteer and Employee Criminal History System, as authorized by  
67 the National Child Protection Act of 1993 and s. 943.0542,  
68 Florida Statutes.

69 Section 2. This act shall take effect July 1, 2010.  
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**T I T L E   A M E N D M E N T**

Remove the entire title and insert:

A bill to be entitled

An act relating to athletic coaches; defining the terms "athletic coach" and "independent sanctioning authority"; requiring the independent sanctioning authority of a youth athletic team to screen the background of current and prospective athletic coaches through designated state and federal sex offender registries; providing that a commercial consumer reporting agency screening that meets specified requirements complies with screening requirements; requiring the independent sanctioning authority to disqualify any athletic coach appearing on a registry; requiring the independent sanctioning authority to provide a disqualified athletic coach with written notice; requiring the independent sanctioning authority to maintain documentation of screening results and disqualification notices; providing a rebuttable presumption that an independent sanctioning authority did not negligently authorize an athletic coach for purposes of a civil action for an intentional tort relating to alleged sexual misconduct by the athletic coach if the authority complied with the screening and disqualification requirements; encouraging independent sanctioning authorities for youth athletic teams to participate in the Volunteer and Employee Criminal History System; providing an effective date.

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